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COUNTY

News-Bulletin

WEEK OF
OCTOBER 3, 2024

Vol. 114, No. 40

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SERVING VALENCIA COUNTY SINCE 1910

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\$1

Man shot and killed by a Valencia County sheriff's deputy

By Julia M. Dendinger
News-Bulletin Assistant Editor

A man was shot and killed by a Valencia County sheriff's deputy Sunday evening after two prior visits by law enforcement in response to calls of his neighbor firing a rifle into the air and then trying to run him over.

Shortly after 3 p.m., Sunday, Sept. 29, Valencia County Sheriff's Office deputies respond-

ed to reports of gunshots in the 100 block of La Ladera, which is to the south of the town of Peralta. The home is less than a quarter mile south of Valencia Road.

When deputies arrived, neighbors said they saw Thomas Rodriguez, 46, outside his home, firing a rifle into the air. When deputies tried to talk to Rodriguez, he ignored commands and went inside his home with the rifle. They formed a perimeter

and began calling for Rodriguez to come.

VCISO Lt. Joseph Rowland, the public information officer for the department, said Rodriguez lives in a camper trailer on the property and his mother lives in a single-wide mobile home on the same piece of property. Deputies made contact with his mother and helped her file an Extreme Risk Firearms Protection Order — also known as New Mexico's Red Flag

law — for removal of firearms from the property.

The act, which became law in New Mexico in May 2020, creates a court process to temporarily prevent a person in crisis from accessing firearms and harming themselves or others. Only a law enforcement officer or an attorney with the district attorney's office are allowed to file a petition with a district court to request such an order be issued. An affidavit from

someone who has personal knowledge or facts about why someone should not have access to firearms must be included when the petition is filed.

According to a press release by VCISO on Monday, deputies left the scene to file the petition request with the court. Deputies returned to the home again at 7:42 p.m. on Sunday and found

■ See **Deputy**, Page 3

Investigation of Los Lunas superintendent ongoing; district refuses records request

By Julia M. Dendinger
News-Bulletin Assistant Editor

LOS LUNAS

Monday evening marked the third time the Los Lunas Schools Board of Education has met for an extended period of time behind closed doors to discuss the investigation of LLS Superintendent Ryan Kettler since he was placed on paid administrative in July.

In the two-plus months since his suspension, there have been no details

released by the board about allegations of misconduct made against Kettler or the investigation launched into those allegations, including who is conducting the investigation.

The board held three-hour executive session on Aug. 20, during which laughter could be heard coming from behind the closed conference room door. When asked after the meeting who was conducting the investigation, LLS Board of Education President Michelle Osowski said they

■ See **Superintendent**, Page 14

Valencia County candidate forum held; election questions

By Julia M. Dendinger
News-Bulletin Assistant Editor

BELEN

Candidates running for seats on the Valencia County Commission and the Valencia County Clerk's position attended a forum hosted by a local advocacy organization last week.

The Valencia Community Action Team invited candidates running for the county commis-

sion District 2 seat, incumbent Republican Troy Richardson and challenger Duana Draszkievicz; the District 4 position, incumbent Republican Joseph Bizzell and challenger Democrat Charles Eaton; Republican candidate Dante Berry, District 5; county clerk, incumbent Republican Mike Milam and challenger Democrat Rustin Porter; and county treasurer, incumbent Republican Ron Saiz and challenger Michelle

Tafoya.

Saiz, Tafoya and Berry did not attend the forum.

The two-hour forum was held at the Belen Public Library on Friday, Sept. 27.

A second forum, with the same candidates invited to participate, is scheduled from 5-7 p.m., Friday, Oct. 4, at the Los Lunas Transportation Center, 101 Courthouse Road.

The candidates took

■ See **Forum**, Page 2

2024 RIO ABAJO BECKER STREET FESTIVAL



Felina Martinez | News-Bulletin photo

Fun was had by many at the annual Rio Abajo Becker Street Festival in Belen Saturday. Along with live music and performances, festival attendees were treated to a car show, poker bike run, vendors and lots of food. The crowds were entertained by performers with Cisne de Nuevo Mexico, above, and the Daniel Solis Band, below. More photos can be viewed at news-bulletin.com.



Los Lunas making progress on infrastructure projects

By Felina Martinez
News-Bulletin Staff Writer

LOS LUNAS

The Los Lunas Village Council recently approved and submitted its Infrastructure Capital Improvement Plan, which contains various projects to be considered for legislative capital outlay funding.

The highest priority item on the list is the Interstate 25 interchange and bridge construction project. The goal is to provide additional access to I-25 and help alleviate congestion from Los Lunas Main Street.

"When completed, this project will

extend from I-25 to Highway 47, and will include a full interchange at Morris Road, a river bridge, and intersections at Sichler Road, Highway 314, Edeal Rd. and Highway 47," the village's website states. "Phase one of this project is fully funded, and will include a full width interchange, river bridge and intersections with one lane of travel in each direction between, along with a multi-use pedestrian and bicycle path. Phase 2 will add an additional lane of travel in each direction."

The total project cost is more than \$220 million and, to date, the village has acquired almost \$166 million in federal,

■ See **Projects**, Page 11



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October is Pedestrian Safety Month

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News-Bulletin

2024 Locals

CITIZEN OF THE YEAR UNSUNG HEROES

Betty Follett

Joe Davis

Leo Martinez

Philip Martinez

Sally Bares

Angela Sparks

Christy Wilson



2024 Locals

Citizen of the Year

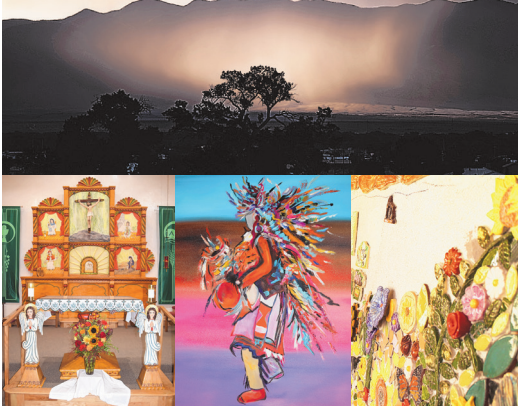
Unsung Heroes

Art & Inspiration

News-Bulletin

2024 Locals

ART & INSPIRATION





VALENCIA COUNTY

News-Bulletin

WEEK OF
OCTOBER 31, 2024

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General election is next week

By Julia M. Dendinger
News-Bulletin Assistant Editor

With less than a week to go until Election Day, there is a lot of press about the presidential race but that shouldn't distract voters from important county and state races on the ballot, as well as a number of general obligation bonds and state constitutional amendments.

On the ballot this year are the following local and state races for Valencia County voters.

Valencia County Commission

In Valencia County Commission District 2, incumbent Republican Troy Richardson is running against Democrat Duana Draskiewicz.

In VCC District 4, incumbent Joseph Bizzell is running against Democrat Charles Eaton, and in VCC District 5, Republican Dante

■ See **Election**, Page 5

Voters to decide on flood district

By Julia M. Dendinger
News-Bulletin Assistant Editor

One question on the ballot for the Nov. 5 general election is "yes" or "no" to forming the Valencia County Arroyo Flood District.

Since flooding has traditionally come from the arroyos that run down off the east and west sides of the county, rather than from the Rio Grande in the valley, the proposed flood control district will only address flood abatement of the arroyos.

The formation of an arroyo flood district would create an agency that could take on the operation and maintenance of flood control infrastructure of a proposed flood mitigation project in the Belen watershed, which has federal funding attached.

In April, the Natural Resources Conservation Service updated the community on a project entering

■ See **Flood**, Page 5

SCARECROW FESTIVAL & HALLOWEEN BASH



A fun and spooky time was had by all at the annual Scarecrow Festival on Becker Avenue in Belen on Saturday night, as well as the Halloween Bash at the Los Lunas Transportation Center.

Mike Powers | News-Bulletin photos



Former LL super hired to investigate new super

By Julia M. Dendinger
News-Bulletin Assistant Editor

LOS LUNAS

Through multiple public records requests, the *Valencia County News-Bulletin* has been able to verify the company investigating allegations of misconduct brought against the Los Lunas Schools superintendent.

Superintendent Ryan Kettler has been on paid administrative leave since July 16, while an investigation into allegations against him proceeds.

When contacted by the newspa-

■ See **Super**, Page 5

New wind towers move from facility

By Clara Garcia
News-Bulletin Editor

RIO COMMUNITIES

The first shipment of sections of large wind towers being manufactured at the Arcosa wind-tower production facility in the Rio Grande Industrial Park, south of the city of Rio Communities, were trucked Tuesday morning through Valencia County.

At about 10 a.m. Tuesday, trucks hauling the 190-foot towers made their way from the facility, through Rio Communities, south to U.S. 60 in Socorro County and then west to Interstate 25.

Because of the large load, the New Mexico Department of Transportation is conducting full intersection closures at N.M. 304 and N.M. 47, N.M. 47 and US 60, and US 60 and the I-25 northbound on-ramp (including N.M. 116).

There will be a maximum of

■ See **Towers**, Page 2

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Super: LL Schools Board of Education president still refuses to disclose reason

from PAGE 11

per this week, Kettler said he has retained an attorney and would not comment at this time regarding the ongoing investigation.

In late August, the *VCNB* filed an Inspection of Public Records Act request with Los Lunas Schools asking for the contract for services, scope of work services, invoices and payments to DDSK Group LLC, the company rumored to be conducting the investigation into the allegations made against Kettler. The district responded through it's law firm Cuddy & McCarthy, indicating it had no records responsive to the request.

The *News-Bulletin* filed a second IPRA request on Sept. 10, requesting the same documents from LLS but without naming a specific company. The Cuddy law firm responded on Sept. 24, saying LLS did not have any records responsive to the request and indicated since the hiring was done by the law firm it was protected by attorney-client privilege and not subject to IPRA.

The *News-Bulletin* then filed another records request for the contract between LLS and Cuddy, as well as records of payments and invoices between the two.

August billing statements from Cuddy show a partial payment of \$21,685 to DDSK for "investigation (of) employee misconduct." In addition, documents show Cuddy has billed the district for nearly \$15,000 in legal fees since the beginning of June.

The school district already has contracts with four other law firms for legal services.

When asked why an additional contract with Cuddy was needed, Los Lunas Board of Education President Michelle Osowski said professional services contracts are highly common, given the different levels of expertise among firms.

"They (Cuddy) have what I was looking for," said Osowski.

She continued, saying while the firms currently on contract have their own specialties — collective bargaining, special education, bonds and policy analysis — Cuddy has "30-plus years in employment law."

The contract with Cuddy cannot exceed \$60,000 during the term of the contract, which is June 6, 2024, to June 6, 2025. It was signed by former acting superintendent Jessica Montano on July 23, the same day the board appointed Susan Chavez interim superintendent.

When Osowski was asked at the Aug. 20 board meeting who was conducting the investigation into Kettler, she told the *News-Bulletin* the name of the company would not be released at that time, only saying it was a firm selected by the district's attorney.

According to DDSK's website, the company is "three retired superintendents nationally certified to conduct Title IX investigations and personnel/student misconduct independent investigations, student disciplinary hearings and other related services."

One of the superintendents is Dana Sanders, a former Los Lunas Schools superintendent. The other members of the company are Daniel P. Benavidez and Sheryl McNellis-Martinez, who with Sanders make up the 'DDS' part of the company. The 'K' stands knowledge and experience, according to the site.

Four months after being placed on paid administrative leave in 2020 and more than a month after being discharged from her position by the Los Lunas Board of Education, Sanders announced her retirement.

On June 16, 2020, the former board voted to discharge Sanders, who had worked for the district for 32 years and was the first female superintendent, from her position, but she was still on the district's payroll until they accepted her retirement.

In September 2021, Sanders settled a lawsuit with Los Lunas Schools for \$600,000 in lost wages and other damages. She filed the lawsuit against the Los Lunas Board of Education, with former board members Bryan Smith, Eloy Giron and Steven Otero mentioned in the suit directly in their capacities as board president, board vice president and board secretary, respectively.

The initial complaint alleged Smith, Giron and Otero engaged in improper employment practices and retaliation against Sanders for her refusal to use her position to fulfill certain member's "personal desires and/or vendettas" against district employees.

Benavidez, the former superintendent at Central Consolidated School District in the Four Corners area, McNellis-Martinez, the former superintendent of Wagon Mound Public Schools, and Sanders have all been embroiled in employment related litigation with their former school districts.

Sanders did not respond to *News-Bulletin* requests for comment before the deadline.

During an interview on Monday, after the *News-Bulletin* received the billing statements with the payment to DDSK, Osowski said she was fully informed that Sanders was part of the firm and was aware of her history with the district.

"The board authorized Cuddy to make a choice of the most qualified firm," the board president said. "There were three reasons they were chosen. All members are former superintendents, Yes, all three left their positions as superintendents — their boards asked them to leave and we know about the questionable circumstances of Ms. Sanders.

"Two, this firm is certified in Title IX investigations and has a solid background in terms of HR. Finally, they have three people and when we were looking at having an external investigator who might only have one person, we felt having more people was prudent."

When asked if the investigation into the allegations against Kettler pertained to Title IX, Osowski said she couldn't say. Title IX is a federal law that prohibits sex discrimination in educational programs and activities that receive federal financial assistance.

Billing statements from Cuddy shows one of the firms partners, Laura Castille, has provided all of the legal services to the district, the majority of which have been communications with the board president.

One meeting between Castille and Osowsky on July 12 for "various ongoing issues" lasted 7.3 hours at a cost of \$1,569.50.

When asked if that was an overly long time to meet with an attorney, Osowski replied, "not when you're looking at going into an investigation."

The board president refused to specify if any of the issues discussed that day have been resolved and whether district constituents should be concerned.

On Aug. 20, Osowski had expressed hope the investigation would wrap up some time in September, but on Monday, she said she could not share a time line for when it would be finalized.

Other legal fees billed to the district include three trips by Castille from Las Cruces, where she lives and works from the southern branch of the firm. The attorney traveled to Los Lunas and billed for 25.5 hours for a total of \$5,482.50.

Castille's history also includes education and litigation. From 2018 to 2022, she was the Title IX coordinator for New Mexico State University. In early 2023, she filed a complaint against the university alleging officials had changed a job posting to fit the qualifications of a preferred candidate. As the person responsible for ensuring job postings complied with state law, Castille saw the change and reported it. She was put on leave and later resigned.

Castille's lawsuit alleges she was retaliated against for speaking up about the change. The suit was settled in January for a one-time payment of \$60,000 to Castille.

The professional services contract with Cuddy was brought to the board for consideration at its June 18 meeting, but was denied on a 3-2 vote.

At the July 23 board meeting, the contract with Cuddy was on the agenda as part of the consent items, which is a list of action items voted on as a group without discussion unless a board members requests an item be pulled off the list and put on the regular agenda.

Acting LLS Superintendent Jessica Montano asked the board to remove the contract from the agenda, saying "it was within the acting superintendent's authority to approve contracts under \$60,000," according to the minutes. She went on to say, "...to avoid any further procurement code violations," she had approved the contract.

The contract was signed by Montano on July 23. Castille signed the contract the next day.

At the Sept. 10 BOE meeting, after another extensive executive session, board member Justin Talley made a motion to give Osowski and board vice president Bruce Bennett the authority to meet with Kettler to discuss and address investigation findings. Osowski said they have been talking to Kettler, but could not give details about what.

At the Aug. 20 meeting, Osowski also told the *News-Bulletin* she couldn't get into the details of the allegations against Kettler, but did say it was "nothing about the safety of children or staff. There is nothing felonious, no sexual misconduct or moral turpitude. Absolutely none of those things."

In the interview with Osowski Monday, she said, "The board has every intention, pending our legal counsel's approval of course, of disclosing as much as we're legally allowed to. We have no intention of hiding or clouding or obscuring any of the findings. This is important. It impacts the public and we know that."

Flood: District court judge to appoint board if voters approves new flood district

from PAGE 1

the design phase to construct flood control infrastructure for an area of about 250,000 acres south of the city of Belen.

The cost of the NRCS flood control project is estimated at more than \$25 million, with the conservation service willing to take on the construction of the project. There needs to be an agency willing to take on ownership of the completed project and maintain the infrastructure, both of which a arroyo flood control district could do.

The question on the ballot is just on the formation of a district.

If the voters approve the district, a five-member board of directors would be appointed by a district court judge. When the Valencia County commissioners approved the petition to form the district initially, the selection of the board was supposed to be on the ballot as well.

However, after the secretary of state intervened in the formation process of a similar flood control district in Sierra County, the Seventh Judicial District Court granted an order essentially separating the two actions — leaving the question of whether to form the district on the November 2024 ballot and pushing the election of a board to the November 2025 local election, if the district was indeed formed.

The county commission erred on the side of caution and amended its district court petition to request just the formation of the district be put on the ballot and the election of a board be put on the ballot in the next local election in November 2025.

The judge granted the amended order on Friday, Aug. 9, and it says the court will temporarily appoint a flood control district board of directors, if it's approved, 30 days after the district's organization.

A deadline for qualified candidates to submit their names for consideration will be specified at a later time.

The board members would be at-large, meaning they would not be assigned to or selected from specific districts within Valencia County.

If formed, the district would include and have jurisdiction and taxing authority in the entirety of Valencia County, both incorporated and unincorporated areas.

One authority a flood control board has is the ability to impose property taxes. The board of directors can impose a half mill levy — a property tax of 50 cents per \$1,000 of taxable value — without a public vote, and any future flood district mill levy increases would have to go to the voters for approval. The appointed board would have the authority to impose the half mill.

If the district is approved by voters and a board is appointed by the court, members would take office in January 2025 and serve until the November 2025 local election.

The appointed members could choose to file to run to retain their seats, and an elected board would have to draw lots to determine a proper election rotation, meaning some would serve for two years while others would serve for four.

As a political subdivision of the state, the new district would be subject to the state's Open Meetings Act and Inspection of Public Records Act.

Election

from PAGE 1

E. Berry is running unopposed.

Valencia County Clerk

Republican incumbent Mike Milam is running against Democrat Rustin Porter for the Valencia County Clerk's seat.

Valencia County Treasurer

Republican Ron Saiz, the incumbent candidate for the Valencia County treasurer seat, is challenged by Michelle Tafoya, a Democrat, for Valencia County Treasurer.

N.M. Senate

District 30 Republican Sen. Joshua Sanchez is running for the District 29 seat against Democrat Tina Garcia. Sanchez is now in District 29 due to redistricting.

In N.M. Senate District 30, Democrat Angel Charley is unchallenged in the general election, as is Sen. Elizabeth Stefanics, the incumbent Democrat running for the District 39 seat.

N.M. House of Representatives

Republican Reps. Tanya Mirabal Moya and Brian Baca are both running unopposed for second terms in Districts 7 and 8, respectively.

In District 49 Republican incumbent Rep. Gail Armstrong is also running unopposed, as is Democrat Michelle Abeyta in District 69.

13th Judicial District Attorney

Democrat incumbent Barbara Romo will step into her second term as district attorney for the 13th Judicial District, running unopposed in both the primary and general elections.

The 13th Judicial District includes Valencia, Cibola and Sandoval counties.

On Tuesday, as election results come in to the Valencia County Clerk's Office, the preliminary numbers will be posted on the New Mexico Secretary of State's website as they have in the past; however, the numbers this year will be extra preliminary since a 2023 legislative change now gives those voting by absentee ballot time to "cure" mistakes, such as not signing the envelope or omitting the last four digits of their Social Security number as required.

As the clerk's office receives and verifies absentee ballots, if a mistake is found, the voter will be informed by mail and allowed to submit the correct information. Voters have until 5 p.m. the Friday after the election to return the correction in order for their ballot to be counted.

After the deadline for cures closes at 5 p.m., Friday, Nov. 8, the absentee board will reconvene and finish tabulating the ballots.

Same-day registration is being offered at the county's four early voting sites and at the 15 Voting Convenience Centers on Election Day, which allows any eligible voter to register or update their registration and vote on the same day.

There will be 15 Voting Convenience Centers open from 7 a.m. to 7 p.m., Tuesday, Nov. 5, to allow Valencia County voters to cast their ballots in person.

Early voting continues through Saturday, Nov. 2, and absentee ballots need to be returned by 7 p.m. on Election Day.

If voters haven't returned their absentee ballots yet, to guarantee it's returned by 7 p.m., Tuesday, Nov. 5, it is recommended to drop ballots off in person before Election Day at one of the following locations — the Valencia County Clerk's Office, 444 Luna Ave., Los Lunas, any of the early voting locations or any of the voting centers on Election Day.

There are also three, secure absentee ballot drop boxes in the county — at the Belen Community Center, the Bosque Farms Public Library and the Valencia County Administration Building.

Early voting locations are open from 10 a.m. to 6 p.m. through Saturday, Nov. 2:

- Belen Community Center, 305 Eagle Lane, Belen
- Bosque Farms Public Library, 1455 W. Bosque Loop, Bosque Farms
- Pueblo of Isleta Veterans Center, 4001 N.M. 314, Isleta
- Valencia County Administration Building, 444 Luna Ave., Los Lunas



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NMFOG files lawsuit against Los Lunas Schools

Transparency advocacy group alleges district officials refuse to release public records

By Julia M. Dendinger
News-Bulletin Assistant Editor

The state’s open government watchdog group has filed a lawsuit against a local board of education, alleging the school district wrongfully denied access to public records pertaining to the investigation of a former superintendent.

The New Mexico Foundation for Open

Government filed a civil complaint against the Los Lunas Schools Board of Education and the LLS records custodian, Brian Baca, for two violations of the state’s Inspection of Public Records Act.

The suit, filed on Wednesday, May 7, in the Second Judicial District Court, alleges the district violated the act when it failed to produce records about its investigation into former LLS superintendent Ryan Kettler

and completely failed to respond to at least one records request.

“Despite multiple requests for public records related to the investigation and reasons for Kettler’s termination from his position as superintendent, (LLS) has released no details about the allegations of misconduct, the results of the investigation, or reasons for Kettler’s termination,” the suit reads.

Kettler was hired as LLS superintendent in July 2023, was put on paid administrative leave pending an investigation into allegations of misconduct in July 2024, and fired in November 2024.

In late September 2024, NMFOG filed a records request for the contract, scope of work and invoices with DDSK, the company hired to investigate Kettler, in the possession

■ See **Lawsuit**, Page 12

New PAD law to help Belen in developments

By Clara Garcia
News-Bulletin Editor

BELÉN

In an effort to allow for diversity in economic and residential planning in the Hub City, the Belen City Council recently approved an ordinance allowing for multiple zoning in a single development.

The council approved the Planned Area District Ordinance, which fosters flexibility in the design, construction and processing of residential, commercial and industrial projects that exceed the limitations of conventional zoning.

Steven Tomita, the

city’s development services director, said this has “been a long time coming,” pointing out that the ordinance sets a limit at a minimum of 30 acres.

“It’s worth while, because it has a special feature,” Tomita said. “Anything that is allowed in the comprehensive plan is allowed in the PAD.”

Tomita said PADs can become very complex and detailed, the developer must submit an entire master plan of all the three different components — commercial, residential and open space.

■ See **Belen**, Page 12

Family honored for advocacy for food allergies

By Kenn Rodriguez
News-Bulletin Staff Writer

Alejandra DeVargas will not soon forget her first encounter with food allergies.

When her second son, Vincent, was eight months old, DeVargas said she decided to start introducing him to solid foods.

“I gave him just a tiny bit of an egg and about 10 minutes after that, he started getting hives all over his body,” she recalled. “Eventually, his eyelids started swelling up to where his eyes were closed, and so we took him to the emergency room right away.”

After the panicked trip to the hospital, she and her husband were referred to a pediatric food allergist, who saw them six months later. Vincent’s food allergy was confirmed and the DeVargas family began down the road of treating their son’s allergies.

Since then, Alejandra has become an advocate for food allergies. She and her sons, Vincent and his older brother, Eric, were recently honored with a pair of proclamations, the most recent coming at

■ See **Allergy**, Page 6

POISED PERFORMANCE



Submitted photo

The Valencia High School Wind Ensemble placed first in Class 4A at the NMAA Concert Band competition on Friday, April 11. The ensemble, conducted by VHS assistant director of bands Nate Van Dam, scored a 97.333 out of 100 in the competition, nearly five points better than the second-place group from Deming High School.

VHS Wind Ensemble places first at NMAA Concert Band competition

By Kenn Rodriguez
News-Bulletin Staff Writer

The Valencia High School Wind Ensemble achieved ultimate excellence for the fourth time at the New Mexico Activities Association’s Concert Band competition in Rio Rancho recently.

The group ended up with a score of 97.333 to claim the top prize at the gathering on Friday, April 11, at Sue V. Cleveland High School.

“We finished five points ahead of the next band, which is huge in band land,” said VHS Wind Ensemble director Nate Van Dam. “My main goal — I was just hoping to break 90 and get a superior rating.

“I told them in the warm-up room, ‘We’ve proved everything we need to just by the fact that we are here today.’ I was just trying to get them to relax a little bit before going to their performance. And then they laid down their best performance of the year.”

Van Dam said once the 24 students got settled and he stepped to the podium, the group was poised for a memo-

“I was just trying to get them to relax a little bit before going to their performance, and then they laid down their best performance of the year.”

Nate Van Dam
VHS Wind Ensemble director

rable performance.

“I felt it lock in. I felt it lock in on stage,” he recalled. “You know, we tend to battle some adrenaline, some nerves, and it can tend to let our performances get a little sloppy sometimes, but they’ve been getting better at handling that.”

Van Dam said he still had doubts afterward, though.

“Honestly, in the awards ceremony, they had just announced Deming in second place, and I leaned over to Ms. Stanbary, and ‘I go, yeah, I don’t think we got it.’ It was a little surreal when they announced us in first, honestly.”

The victory was the fourth top prize in the Concert Band competition for VHS, but the first with Van Dam as director.

VHS captured first place for the first time in 2015 in Class 5A and earned the 4A crown in 2019 and 2022. The group was also runner up in 2013, 2014 and 2016 and placed third in 2017 and 2018, according to NMAA records.

This year’s top finish comes in Van Dam’s first year as assistant director of bands, working with VHS director of bands Michelle Stanbary, who is also his fiancé.

The couple are both originally from the Chicagoland area in Illinois and moved to New Mexico four years ago.

“Yeah, we’re known as one of the power couples in band land here in

■ See **Band**, Page 5

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Lawsuit: New Mexico Foundation of Open Government claims LLS failed to respond

from PAGE 1

of Los Lunas Schools “or any of its contractors subject to IPRA.”

Cuddy & McCarthy, one of the contract law firms representing the district, denied NMFOG’s records request citing attorney-client privilege.

The suit argues attorney-client privilege exempts only public records that are communications “made for purposes of facilitating or providing legal services to a client,” making it illegal for Cuddy to withhold the requested records, since DDSK isn’t a client of the law firm, but rather a contractor who

provided services to Los Lunas Schools.

A 2012 New Mexico Court of Appeals’ decision found when a private, third party acts on behalf of a public agency, it is the equivalent of that agency and subject to IPRA.

“Los Lunas Schools may not circumvent the public’s right of access to records by contracting out a public function,” NMFOG argued in a letter sent to the district in October 2024.

In its response, Cuddy attorneys acknowledged the firm was

a “third-party entity” contracting with the district and subject to IPRA. It asserted the records requested by NMFOG “are not in existence” but if they did exist, would be protected by attorney-client privilege.

“Although (Cuddy) insists there are no responsive documents ... other than the law firm’s invoice to (LLS), there is irrefutable evidence that the firm contracted with DDSK ... and it is inconceivable that there would not be a single record in existence relating to this contractual relationship that would

be responsive to (NMFOG’s) request,” the suit reads.

The district also didn’t explain what records were being withheld due to the privilege exemption to IPRA and didn’t explain the redactions to invoices produced for inspection, as required by the act.

“(Los Lunas Schools’) evasive and inconsistent statements indicate there are responsive records they withheld pursuant to the attorney-client privilege,” NMFOG’s suit argues.

NMFOG alleges the district also violated IPRA by not only

failing to produce records for a Feb. 19 records request but for “utterly failing to respond” to that request.

NMFOG notes in the suit the district still hasn’t responded to its February request as of the date of the filing.

IPRA requires public agencies to acknowledge the receipt of a records request within three days and provide records no later than 15 days after the request is made.

Belen: Planned Area District ordinance to promote creative development, open space

from PAGE 1

“The development can even include tiny houses,” Tomita said. “The developer would need to come with the design, architectural style. They’ll also need to have sufficient water and sewer, and if it’s big enough, they might have to set aside land

for a school site.”

According to the ordinance, the PAD seeks to achieve several objectives, including:

- Promote the health, safety, and general welfare of the residents of the city; encourage creative approaches in

land development and combinations of land uses

- Preserve and utilize open space effectively
- Promote the city of Belen in order to enhance the city’s strong sense of community
- Establish a unique, distinctive character for the development; and
- Ensure the PAD is accompanied by a formal development agreement

Tomita said a PAD application will not be accepted or approved by the planning and zoning commission until a neighborhood meeting is held.

“We have three PADs ready to come before the planning and zoning commission,” Tomita told the council.

Belen Mayor Robert Noblin asked how common Planned Area Districts are in cities the size of Belen.

Tomita said they’re becoming more common, especially now that Tiny Homes have become popular.

Tomita also said some of these developments, because of the size and amount of effort needed to begin, could be cost prohibitive for some developers.

“That’s why they need an engineer or planner to develop a PAD,” he said. “The smaller the project, the less complex.”

Councilor Rudy Espinoza said once a PAD is put together in an organized plan, the city will experience growth.

“We’re in a very critical place,” Espinoza said. “We are pro-growth, but we need to manage it. I’m grateful to be on the ground floor.”

When asked by Councilor Frank Ortega about specifics of the three potential PADs coming to the Hub City,

Tomita said he is not able to disclose it publicly at this time.

“This is about controlled growth,” Noblin said. “This what I feel is beneficial with the Planned Area Districts, because we have some say about what’s going to go in.”

“We’re allowed, as a city, to negotiate,” Tomita said. “You need more open space, with dedicated roads. You can negotiate parts, such as sidewalks.”

While no one spoke during the public hearing portion of the meeting, the council unanimously approved the ordinance, which is now law.

In other recent action, the council:

- Approved the city’s 2024 audit, conducted by Cordova CPAs, LLC
- Approved an intergovernmental agreement with the city of Rio Communities

and Valencia County for the joint operation and management of Sen. Willie Chavez Park

- Approved applying for local government road funds to construct improvement to LaLa Street; and planning and design of storm water crossing at Don Luis Trujillo Boulevard, near the De La Reina subdivision
- Appointed Rob Raucci to the Belen Public Library Board of Trustees, along with reappointing June Romero and Holly Chavez
- Approved the third-quarter budget adjustments
- Approved a memorandum of understanding with the Belen Historic Downtown Partnership and the Belen Art League concerning the Belen Scarecrow Festival held in October

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Dennis Chavez Elementary	Lunch	11:30 pm - 12:30 pm
Rio Grande Elementary	Breakfast	8:30 am - 9:30 am
Rio Grande Elementary	Lunch	11:30 pm - 12:30 pm
St. Mary’s	Dinner	5:00 pm - 6:00 pm

For more information:

Taira S. Chavira 505-966-1712

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People: Tone at the top includes respect, camaraderie

from PAGE 9

There’s something called “tone at the top.” It’s pretty much what it sounds like — those in leadership set the tone and expectations for everyone in the organization.

In the last year, I’ve sat and watched the Belen Board of Education take purposeful steps to set that tone — a tone of respect, cordiality and camaraderie.

Do they always agree with each other? Absolutely not, but they are willing to have civil discussions and hear each other out.

As the adults, they are doing the work to set the tone, to model the behavior they and others expect to see in students. The students are putting in the work as well, working in tandem to set the tone they want to see

among their peers.

Does this mean there aren’t challenges that need to be addressed throughout BCS? Of course not.

Our whole system, from the top down, is a work in progress, but it is heartening to see the willingness to make changes being embraced, “for the children.”

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