**Final Minutes**
**Torrance County Board of Commissioners**
**Special Commission Meeting**
**January 19, 2015**

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| **Commissioners Present:** | **LeRoy Candelaria -Chair**<br>**Julia DuCharme-Member**<br>**Jim Frost-Member** |
| **Others Present:** | **Joy Ansley-County Manager**<br>**Dennis Wallin-County Attorney** |

**Call Meeting to Order:**
Chairman Candelaria calls the meeting to order at 3:00 pm, he welcomes all those present to the meeting and leads us in the pledge. Commissioner DuCharme leads us in the prayer.

**Approval of the Meeting Agenda:**
Chairman Candelaria asks for a motion to approve today's Meeting Agenda.
**ACTION TAKEN:** Commissioner Frost makes a motion to approve the January 19, 2015 Commission Meeting Agenda. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote; Two in favor; one abstains.
**MOTION CARRIED.**

***Action Items***
**Items to Be Considered and Acted Upon**

***Commission Matters:***

**1. Resolution 2015-03 Amended Resolution 2014-56 NMFA Loan to EVSWA:**
Chairman Candelaria asks for a motion to approve Resolution 2015-03.
Commissioner Frost makes a motion to approve; Chairman Candelaria seconds.
Commissioner DuCharme asks for discussion.

Commissioner DuCharme indicates that she believes this meeting is in violation with the Open Meetings Act. She says that there are two types of meetings; emergency meeting and non-emergency meetings. She asks why this item was an emergency. County Manager Ansley indicates that this is not an emergency meeting; but a special meeting, which requires 72 hours notice to the public. Since the agenda was sent out by noon on Friday, January 16, 2015, the meeting has met the 72 hours notice. Commissioner DuCharme expresses concern that she believes the meeting is not in compliance with the Open Meetings Act. She asks Mr. Wallin for an opinion. Mr. Wallin states that the County is permitted to hold both regular and special meetings, with 72 hours notice and that this meeting is in compliance with the Open Meetings Act.

Commissioner DuCharme asks fellow commissioners if they've read the resolution. Commissioner Candelaria states that he read the resolution in December, when it was initially approved. Commissioner Frost states that he read all but the last page. Mr. Wallin reminds the commission that this resolution is an amendment to the resolution adopted by the prior commission, with the sole change that the entities City of Santa Rosa and Guadalupe County have been removed. Commissioner DuCharme states that since those two entities weren't parties to the JPA when the resolution was adopted, she believes it was adopted illegally. County Manager Ansley reads from the minutes of December 10, discussing the action. Mr. Wallin states that he believes the substance of the resolution hasn't changed. Commissioner DuCharme reiterates her belief that the prior resolution was illegal and must be cancelled by the current commission. Mr. Wallin says that the amended resolution is before the commission for action today.

Commissioner DuCharme asks Mr. Ellis to answer some questions. She asks Mr. Ellis about the current amount of debt the EVSWA has. Mr. Ellis replies that the EVSWA has debt in the amount of 1.25 million. She asks 1) Why is this loan necessary? Mr. Ellis explains that the loan will purchase a compactor, which is necessary for landfill operations, as the existing compactor is 30 years old and very near the end of its life. 2) Can we lease the equipment? Mr. Ellis explains that the compactor was originally leased, but the Board elected to purchase the compactor at the end of the lease with a buyout. The loan will be for 6 years and will buy out the lease. 3) If the equipment is leased, who is responsible for maintenance? Mr. Ellis explains that the equipment warranty is 5 years, and there are more useful benefits to the purchase than the lease of the equipment. 4) What is the benefit of the purchase? Mr. Ellis explains that the interest rate for the lease is 4% and the interest rate for the purchase is .085%, so the cost of the equipment is $40,000 more to lease, rather than purchase. 5) After the loan, EVSWA will own the equipment, so do the member entities have ownership in that equipment? Mr. Ellis explains that all member entities have ownership equity in the assets of the

Authority, and if the Authority dissolved for some reason, each member would receive a percentage of the assets.

Commissioner DuCharme asks for further discussion with fellow commissioners. Neither other commissioner has questions. Commissioner DuCharme indicates concern with terms of resolution concerning the loan agreement and intercept agreement. She also indicates that not documentation exists, as noted under Findings, on Page 9. Mr. Wallin states that the revenues pledged towards payment of this loan is the Environmental Gross Receipts Tax, which is pledged by each member entity. Commissioner Frost asks Mr. Wallin if this amended resolution is legal to act upon. Mr. Wallin states yes. Commissioner Frost calls for the question. Chairman Candelaria asks for a role call vote—District 1—Yes; District 2—No; District 3—Yes. **MOTION CARRIED.**

***Adjourn**

**ACTION TAKEN:** Chairman Candelaria calls for a motion to adjourn. Commissioner Frost makes a motion to adjourn, Chairman Candelaria seconds. No further discussion, all Commissioners in favor. **MOTION CARRIED.**
Meeting adjourned at 3:40 pm

Chairman Candelaria

J. Ansley
Joy Ansley, County Manager

1/28/15
Date