

Final Copy
Torrance County Board of Commissioners
Commission Meeting
February 25, 2015

Commissioners Present: **LeRoy Candelaria -Chair**
 Julia DuCharme-Member
 James Frost-Member

Others Present: **Joy Ansley-County Manager**
 Annette Ortiz- Deputy County Manager
 Dennis Wallin-County Attorney
 Michelle Jones -Clerical

Call Meeting to Order:

Chairman Candelaria calls the meeting to order at 8:59 am, he welcomes all those present to the meeting and leads us in the pledge. Commissioner Frost leads us in the prayer.

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the February 11, 2015 Regular Meeting Minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the February 11, 2015 Regular Meeting Minutes. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor. **MOTION CARRIED.**

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 today's Commission Meeting Agenda. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks who put the Executive Session item on the agenda. Ms. Ansley replies that she did; it was her understanding at last Commission meeting because Madam Commissioner DuCharme was asking questions that needed to be asked in Executive Session, not in an open meeting. Madam Commissioner DuCharme replies that she asked for a legal opinion on this matter and she was not provided with one. Mr. Wallin comments that he responded to Madam Commissioner DuCharme. She states that yes, Mr. Wallin responded but

did not provide a legal opinion. She further states that she thinks the Executive Session item is not specific enough; she does not know what specific topic is requested for discussion. It could be in violation of the open meetings act that says this item should be put on the agenda with reasonable specificity; she believes it is not. She is asking for this item to be eliminated from the agenda. Mr. Wallin comments that he did get back to Madam Commissioner DuCharme. He states that she had questions. She asked if the volunteer firefighters are public employees to qualify for the limited personnel exception to the open meetings act. Mr. Wallin told her he would have to get back to her on that question as it is rather complicated. Mr. Wallin states that he does agree with Madam Commissioner DuCharme about the specificity of the Executive Session item and asks the Commission to consider removing it from the agenda. Madam Commissioner DuCharme clarifies that she did not ask for this item to be put on the agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to amend his previous motion to include taking the Executive Session item off of this agenda. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; **MOTION CARRIED.** Commissioner Frost makes a motion to approve the agenda as amended. Madam Commissioner DuCharme seconds the motion. The Commissioners vote. All in favor. None opposed. **MOTION CARRIED.**

Approval of the Consent Agenda, approval of warrants, approval of indigent claims: Chairman Candelaria asks for a motion to approve the Consent Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Consent Agenda. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme asks about payments to B&A Cleaning Services: do we have a contract with them? If we pay them more than \$10,000.00 do we have to do an RFP? Are we following the procurement code? Ms. Ansley replies no we do not have a contract with them; we had been paying them with purchase orders until we had a new custodian in place, which we now do and according to our Purchasing Director we are following the procurement code. Madam Commissioner DuCharme asks about the amount we are paying for fuel to Honstein for the Road Department; \$16, 212.83 on this consent agenda. She inquires if this is for fuel that has been spent, or is it for fuel that is being stored. Ms. Ansley replies it is for fuel that has been spent; the Road Department is working on their projects. No further discussion. The Commissioners vote; all in favor. **MOTION CARRIED.**

Action Items

Items to Be Considered and Acted Upon

***Public Hearing:**

The Torrance County Commission will hold a Public Hearing to consider the application for a Special Use change in zoning to allow Cortez Pipeline Co., LP to construct and operate an additional pump station facility at the existing Duran, NM pipeline site. The property is located within the Southeast quarter of the Southwest quarter of Section 2, Township 3 North, Range 15 east, NMPM near the 193 mile marker on SR 54.

- a. Application for a Special Use change in zoning to allow Cortez Pipeline Co., LP to construct and operate an additional pump station facility at the existing Duran, NM pipeline site.

Mr. Steve Guetschow, P&Z Coordinator, speaks. On Jan. 3rd, 2015 the P&Z Board met. They reviewed the Application for Special Review and Approval submitted by Cortez Pipeline, Company, L.P. The P&Z Board recommends a "Do Pass" to the Commission with the stipulation that the applicant provide a completed environmental impact statement and habitat survey to the County for the Commission to review. They have done that and the statement and survey are included in today's packet for the Commission.

The Habitat survey states, among other things, the following:

The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA)... Any activity, intentional or unintentional, resulting in take of migratory birds is prohibited unless otherwise permitted by the USFWS... All project proponents are responsible for complying with the appropriate regulations protecting birds when planning and developing a project. To meet these conservation obligations, proponents should identify potential or existing project-related impacts to migratory birds and their habitat and develop and implement conservation measures that avoid, minimize, or compensate for these impacts.

Suitable habitat for migratory grassland bird species was identified at the study site. If construction is planned to begin during the breeding or nesting season for raptors or other migratory birds (approximately late February or March through August in the study area), a nesting bird survey may be required immediately prior to construction at the Duran Station site to comply with the MBTA. If, at that time, active nests are identified, construction timing restrictions or monitoring could be required, as determined by the agencies. If construction occurs outside of the breeding or nesting season, no surveys or restrictions should be necessary.

All requirements for migratory bird and special status species surveys should be coordinated with the appropriate agencies.

Mr. Guetschow states that if the Commission decides to approve this application today, the P&Z Board requests that they approve it with stipulation that if construction begins in late February or March through August, a nesting bird survey is required immediately prior to construction to comply with the MBTA.

Mr. Gustavo Garza, representative from Kinder Morgan, is sworn in. He states that they are here to seek approval for a change on a Special Use District. He clarifies that this item is completely separate from the other project Kinder Morgan was pursuing, the Lobos project. This application is for the Cortez Pipeline which has been operating in New Mexico for over 30 years; it transports CO2 from Colorado to the Permian Basin. This line paid out over \$74,000.00 to local taxing bodies in Torrance County in 2013, and over \$77,000.00 in 2014. This installation would increase the taxes to the local taxing bodies in Torrance County by \$250,000.00. They are seeking to install a pump station as an upgrade to support the increased CO2 coming from Colorado.

Chairman Candelaria asks if anyone would like to speak either for or against this application.

Mr. Michael Godey, resident, is sworn in. He speaks against the application. He questions whether the pipeline could be used in the future to pump water out of our area. He also suggest the Commission research the company that is doing the environmental impact study.

Ms. Edwina Hewett, resident, is sworn in. She speaks in favor of the application, stating that the applicant has been a good business partner in our area with a proven track record. They are fiscally responsible and ecologically responsible.

Mr. Art DuCharme, resident, speaks. He asks about the location of the pipeline. Mr. Gustavo states that there will be no change to the pipeline itself, which has been in existence for many years. The new pump station will be located in the Duran area.

At this time, the Commission votes.

All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Application for a Special Use Change in Zoning to allow Cortez Pipeline Co.,LP to construct and operate an additional pump station facility at the existing Duran, NM pipeline site. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks if the Commission can address the concern expressed about the pipeline possibly being used in the future to pump water; she asks if we can add a stipulation that prevents this company from using this pipeline in the future to pump water? Mr. Wallin replies that the Commission can condition the approval. The P&Z Board recommends conditioning the approval to be in compliance with the Federal Migratory Bird Act. Chairman Candelaria states that he thinks this company has no intent to pump water through these gas lines. The time, energy, and cost it would take to make those lines viable to pump water would not be cost effective at all. Mr. Garza also states that his company is not in the business of transporting water and has never converted any of their pipelines to pump water. They have no intentions of transporting water, now or at any other time. **ACTION TAKEN:** Commissioner Frost amends his motion to approve the Application for a Special Use Change in zoning to allow Cortez Pipeline Co. LP to construct and operate an additional pump station facility at the existing Duran, NM pipeline site with the condition that if construction begins in late February or March through August, a nesting bird survey is required immediately prior to construction to comply with the MBTA. Madam Commissioner DuCharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

This concludes the Public Hearing.

***Department Requests/Results:**

1. Updates:

Tracey Master, DWI Coordinator, speaks. She introduces the new Teen Court Coordinator/ Prevention Specialist- Ms. Lucy Lucero. Congratulations Ms. Lucero!

Steve Guetschow, P&Z Coordinator, speaks. He still has not received any letters of interest regarding the P&Z Board Alternate position from District 1.

Myra Pancrazio, EVEDA, speaks. She gives an update on some of the bigger projects going on in our County. The El Cabo wind project should get started within the next 30-60 days. Ms. Pancrazio attended a private meeting with Google last Thursday evening. They are in their new 60,000 sq. ft. state-of-the-art building. EVEDA is now working on skilling up our workforce. She is also working on developing an internship program with our high school students and Google and some other major IT and R&D companies out of Albuquerque.

Commissioner Frost was also able to tour the Google complex. It's very interesting and we have big hopes for what happens there.

Madam Commissioner DuCharme speaks. She encourages all to come to the McIntosh Senior Center; they have lunches and a fund raiser dinner on the third Saturday of every month. They have all you can eat for \$7.00. It's a good deal and will be a big help to them.

Commissioner Candelaria speaks. He wishes our County Manager a Very Happy Birthday. Happy Birthday Joy!

2. Presentation on Coast 2 Coast Rx- Zach Barrett

Mr. Barrett gives the Commission a handout which outlines the program. A portion of the flyer is attached below:

The Coast2Coast Rx card benefits the entire family including pets!

Relief from Healthcare Costs

In these difficult economic times people are seeking ways to cut healthcare expenses. Prescriptions can be costly and people sometimes split or forego medications that are vital to their health. About fifty million Americans have no health insurance – primarily due to the cost. The Coast2Coast Rx Card has helped residents save tens of millions of dollars in prescription costs since inception of the program in 2004. The program is designed to assist uninsured and the underinsured and those whose prescriptions may not be covered under their existing insurance policy. The program can also assist those with high deductibles or Healthcare Savings Accounts. Lastly, Medicare Part D participants without supplemental coverage when they reach their “donut hole” should save money using the card.

How We Can Help

Some program highlights include:

- Savings up to 75% off at all major chain and independent pharmacies
- The card is **FREE** with no fees attached
- One card can be used by the entire family
- Works on most pet prescriptions
- Card does not expire and can be used as often as needed
- There are no health, age or income restrictions
- Save on dental, vision, hearing, veterinary, diabetic supplies, lab and imaging services

Your county or municipality may be suffering from budget deficits. This program pays a \$1.25 royalty per filled prescription and has helped over 250 governmental entities subsidize one or more of their healthcare or senior citizen programs.

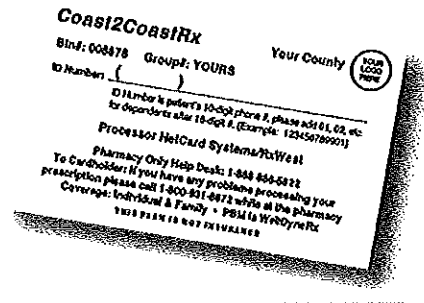
Some of the big bullet points are:

- **The card is free**
- **The card is for discounts on prescription medications only, no over-the-counter medicine.**
- **The card will have the Torrance County name and seal, but can be used anywhere.**
- **The card can be used whether the customer is insured or not. The pharmacy will use whichever discount is greater: the card or the insurance discount, not both.**
- **If the County agrees to work with Coast2Coast, residents can still use other cards if desired.**
- **Can also be used for pet medications.**

Implementation is as easy as 1-2-3

- 1 Coast2Coast Rx will provide and distribute the necessary marketing materials to launch the program in your area.
- 2 We will work with you to create community awareness through a variety of outlets.
- 3 We provide ongoing support to maximize your success by constantly identifying and establishing new distribution channels.

Residents can also download a card from our website at www.coast2coastrx.com which can be translated into 63 languages.



Coast2CoastRx™

For More Information Call 1-800-931-8872 or visit www.coast2coastrx.com

- **The County can end its association with Coast2Coast after one year, if desired.**
- **The program pays \$1.25 royalty per filled prescription.**
- **No confidential customer information will be used or sold; the only customer identifier will be the customer's telephone number.**

Mr. Barrett is thanked for his time and presentation. The Commission wants to move forward with this program. Mr. Wallin will review the agreement and this item will be on the next Commission agenda. All documentation hereto attached.
NO ACTION, INFORMATION ONLY

3. Request reconsideration of Denial of Reimbursement Amount of Per Diem for Clerk and Staff- Linda Jaramillo Ms. Jaramillo speaks. She and one of her employees attended the Winter Conference. She was not aware that she had to submit for this per diem within 10 days. She asks the Commission to please approve this payment. Now that she is aware of the 10 day deadline, this will not happen again. All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to approve the Reimbursement of Per Diem for the Clerk and her staff. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks Ms. Ansley to give a copy of the resolution regarding per diem reimbursements to each associate. Ms. Ansley will do this. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

4. Non-Hazardous Waste Service Agreement between Torrance County Animal Shelter and Waste Management- Danette, Huckins, Supervisor Ms. Huckins speaks. She presents the Commission a new service agreement between the TC Animal Shelter and Waste Management. The bills were getting high so she negotiated a new contract with them. Their new rate is \$60.00 per month and any applicable taxes and fees will be no more than \$85.00 total and that is a price lock for the next year. There will be no change to the services provided, only to the price. The proposed agreement will begin March 1st and be reviewed again in one year. Mr. Wallin has reviewed the agreement and recommends that, if approved, the Commission remove the indemnity provision; Waste Management has agreed to this. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the Non-Hazardous Waste Service Agreement between Torrance County Animal Shelter and Waste Management as amended with the deletion of the indemnity clause. Chairman Candelaria seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

5. Resolution 2015-06 Establishing Fees for Dangerous Dog Registration- Daniel DeCosta, Code Enforcement Officer Steve Guetschow speaks. This resolution will establish a fee for Dangerous Dog registration under State Statute NMSA 77-1A-5-C-1 and with the parameters of Torrance County Animal Control Ordinance 6-2. This resolution will set the registration fee of \$100.00 per year per dog. Mr. Guetschow reads the following for the Commission:

While the TCAC ordinance has always allowed for fees for dangerous dog registration through P&Z there was never an ordinance establishing fees and up till now, owners have either voluntarily surrendered dangerous dogs or the court has ordered the animal to be destroyed.

This changed in 2014 when an owner that had a 2 animal aggressive dogs was ordered to have his dogs destroyed or registered as dangerous dogs within 30 days. The owner opted to register his 2 dogs, P&Z allowed him to register without fees in order to comply with the courts orders and deputy Young issued him a temporary "dangerous dog registration" for his 2 dogs until fees can be established and the owner of the animals can be issued a renewable dangerous dog registration.

The animal's enclosure was inspected by Code Enforcement and Animal Control jointly to insure compliance with State Statute 77-1A-5.

Animal control is now prosecuting another case of a serious attack on a human by a pit bull and the owner has indicated he wants to keep his dog. The court has not ruled on the matter yet but the County wants fee's in place in the event that the court allows the defendant to keep the animal.

Mr. Guetschow also reads State Statute 77-1A-5 C, C (1):

An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner, in addition to the requirements of Subsection A of this section, establishes that:

- (1) The owner has paid an annual fee, if applicable, established by the animal control authority to register a dangerous dog.

After further discussion, the Commissioners vote. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve Resolution 2015-06 Establishing Fees for Dangerous Dog Registration. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

At this time, Chairman Candelaria asks his fellow Commissioners if item #8 can be heard next. The Commission agrees to this agenda change.

8. Transfer of Tajique Community Center Ms. Ansley, speaks. She reminds the Commission that the prior Commission voted to transfer the Tajique Community Center to the Tajique Land Grant. In order to complete the approved transfer, a Quitclaim deed had to be drawn up as well as an MOU. Both of these documents need to be approved by the Commission. Mr. Wallin drafted these documents.

a. Quitclaim Deed

All documentation hereto attached. **ACTION TAKEN.**

Commissioner Frost makes a motion to approve the Quitclaim deed. Chairman Candelaria seconds the motion. The Commissioners vote. Two in favor. Madam Commissioner DuCharme abstains. **MOTION CARRIED.**

b. Memorandum of Understanding

All documentation hereto attached. **ACTION TAKEN.**

Commissioner Frost makes a motion to approve the Memorandum of Understanding. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme requests an addition to this document stating that the Tajique Land Grant will not limit access and use of the building to land grant members and will reasonably allow access and use to all citizens of Torrance County. The Land Grant has already agreed to this and it will be stipulated in the MOU. Mr. Andrew Gutierrez of the Tajique Land Grant reiterates that this has already been agreed to. **ACTION TAKEN:** Commissioner Frost amends his motion to approve this MOU with the added verbiage as stated above about allowing access to all citizens of Torrance County. Chairman Candelaria seconds the motion. The Commissioners vote. All in favor. None opposed. **MOTION CARRIED.**

6. Tracy Master, DWI Prevention Coordinator: Ms. Master speaks.

- a. Resolution 2015-07 authorizing Torrance County to apply for LDWI Funds for FY2016** This resolution authorizes Torrance County to apply for LDWI Funds for FY16 from the Department of Finance and Administration, Local Government Division to participate in the Local DWI Grant and Distribution Program. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion

to approve Resolution 2015-07 authorizing Torrance County to apply for LDWI Funds for FY2016. Commissioner Frost seconds the motion. The Commissioner vote. All in favor. None opposed. **MOTION CARRIED**

- b. Grant Application 16-D-J-G-31 / 16-D-J-D 31** This is the actual application cover sheet showing the Categories of Program Areas to be addressed by the proposed project. The Total Program Request amount is \$ 113, 724.00. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Grant Application 16-D-J-G-31/ 16-D-J-D 31. Madam Commissioner DuCharme seconds the motion. The Commissioner vote. All in favor. None opposed. **MOTION CARRIED**
- c. Statement of Assurances** This statement outlines the assured compliance with the statutes, rules, regulations, and guidelines associated with the acceptance and use of funds under the NM Local DWI Grant and Distribution Program. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the Statement of Assurances. Commissioner Frost seconds the motion. The Commissioner vote. All in favor. None opposed. **MOTION CARRIED**
- d. Memorandum of Understanding** This MOU is between the Torrance County DWI Program and the NM Dept. of Finance and Administration/Local Government Division/ DWI Program. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Memorandum of Understanding. Madam Commissioner DuCharme seconds the motion. The Commissioner vote. All in favor. None opposed. **MOTION CARRIED**
- e. DOH Assurances and Cooperative Agreement** This is an agreement of assurances and cooperation between the Torrance County DWI Program and the Department of Health. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the DOH Assurances and Cooperative Agreement. Commissioner Frost seconds the motion. The Commissioner vote. All in favor. None opposed. **MOTION CARRIED**

***Commission Matters:**

7. 2015 CDBG Project Selection Ms. Ansley speaks. We have had public hearings and have taken public input on this item and need to make a selection as the deadline for application submission is March 20th. The proposed projects are:

- **Duran Water System**
- **McIntosh Community Well**
- **McIntosh Road improvement**
- **Multi-generational Center**
- **Juan Tomas Road improvement** (suggested today by resident Mary Anne Ende)

Ms. Mary Anne Ende, resident, suggests paving the remainder of Juan Tomas Road. Mr. Leonard Lujan, Road Department Foreman, comments. He has thought about chip sealing that road. He states that he could add this road to his summer projects. He is going to drive the road and check it out and discuss the options with Ms. Ansley at a later date.

Now the Commission discusses the Duran Water System project. Ms. Ansley comments about some of the steps that would be involved: a preliminary engineering report, drawing up the plans and specifications, engineers estimates, etc. Commissioner Frost asks if, in Ms. Ansley estimation, she thinks that we could get CDBG funding for this project. She replies that she thinks this would be a priority project for the State to consider. It would be tricky because of the multi-jurisdictional issues, but that could be worked out.

Madam Commissioner DuCharme asks what CDBG stands for. Ms. Ansley explains it is the Community Development Block Grant. It is HUD funding. They allocate a certain amount of money to the State, and the State allocates the funding to communities after review of the CDBG applications. Ms. Ansley further states that we have been funded every year that we have applied. Some of our funded projects include a liner for the current landfill cell, a 2500 sq. ft. addition to the Esperanza Health Center, and an 1800 sq. ft. addition to the Mountainair Health Center.

Chairman Candelaria states that he would like the Commission to select the Duran Water project. There are approximately 35 residents there that are in need of a water system. Madam Commissioner DuCharme asks if Duran is a municipality.

Ms. Ansley replies no they are not, this is why the County would have to apply on their behalf. Madam DuCharme comments that the McIntosh area has more than 1500 people. She thinks we should apply for the project that will benefit the most people. Ms. Ansley states that she does not believe that a community well in McIntosh would qualify. There are a lot of steps that would need to be taken before a project like this would work; community involvement, maintenance, etc.

Now there is discussion about the multi-generational center. Ms. Ansley states that we would need to identify a site first and again, a lot of pre-work would have to be done before this project could be proposed. We want to propose a project that will give us the best chance of funding.

Commissioner Frost states that he was encouraged by what the Road Department said, that they may be able to fund the Juan Tomas project. After hearing today's comments and past comments, he is in favor of the Duran Water project for this year. Ms. Ansley clarifies that we can apply for another CDBG project in two years.

Madam Commissioner DuCharme asks of the proposals should come from the public. Yes they should. All the proposed projects have come from someone in the public. The Duran project was recommended at the Willard public hearing.

After further discussion, the Commission votes. **ACTION TAKEN** Chairman Candelaria makes a motion to submit the Duran Water Project as our 2015 CDBG Project. Commissioner Frost seconds the motion. The Commissioners vote. Two in favor, One Against. **MOTION CARRIED.**

9. Request for Funding to Assist with Utility Bills for McIntosh Senior Center- Charles Leasure Ms. Ansley speaks. Mr. Leasure is not in attendance at today's meeting, but he has submitted a letter to the Commission that states:

McIntosh Senior Center Club would like to ask for some financial help with our winter heat and electric bills from November-February of \$100.00 per month. McIntosh Seniors have been paying the bills and maintaining the building up till now. We also would like to have some maintenance work done once in a while none needed at the moment. Example, swamp coolers started up and shut down for the season, backed up drains, septic, etc. Thank you, Charles Leasure, President.

Ms. Ansley states that, as the Commission knows, the County owns the building and the land but we do not fund the center. Presbyterian Medical Services has the

contract through AAA to serve the Torrance County Senior Centers in Estancia, Mountainair, and Moriarty, but McIntosh has never been funded by this program. Mr. Wallin states that there could be an anti-donation issue here. He also states that there should be a lease agreement in place. Commissioner Frost states that he is in favor of helping the center if there is a way to do it in compliance with the law. More research on this issue needs to be done before the Commission can make a decision. **ACTION TAKEN** Commissioner Frost makes a motion to table this item. Madam Commissioner DuCharme seconds the motion. The Commissioners vote. All in favor. None opposed. **ITEM TABLED.**

10. Resolution 2015-08 Support of Stanley Cyclone Center Chairman

Candelaria speaks. Commissioner Anaya from Santa Fe County asked if we would sign this resolution in support of their project. They are not asking for any funding. They are asking for support from their neighboring counties. Bernalillo County will also be signing a resolution of support. The Stanley Cyclone Center will be a 51,000 sq. ft. indoor arena housing equestrian events and full out rodeo events such as roping, steer wrestling, barrel racing, bull riding, bronc riding, etc. It will also host events for children and young adults such as 4-H and FFA programs in preparation for County and State Fairs and other youth competitions, and much much more. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2015-08 in Support of the Stanley Cyclone Center. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme asks why we are doing this resolution. Ms. Ansley replies that having the support of neighboring counties will help with funding endeavors for the project, etc. Madam Commissioner DuCharme asks Mr. Wallin if we can stipulate in the resolution that we are not offering any financial support to the project. Mr. Wallin states that would be at the discretion of the Commission. Santa Fe County is not asking for financial support, but he agrees that perhaps we should stipulate this. Mr. Wallin states that the Commission could add to the resolution:

Now, therefore be it resolved by the Torrance County Board of Commissioners that Torrance County supports this project, but is in no way obligated to provide funding.

ACTION TAKEN: Commissioner Frost amends his motion to approve the resolution with the above verbiage added. Madam DuCharme seconds the motion. No further discussion. The Commissioners vote. All in Favor, none opposed. **MOTION CARRIED.**

***Commission Matters:**

11. Update on IPRA Policy Ms. Ansley speaks. The IPRA policy is the Inspection of Public Records Act policy that was discussed at the last Commission meeting. The Commission appointed a committee to come up with a policy for our County that the Commission could approve. The committee met and is going to meet again. Ms. Linda Jaramillo, County Clerk, is on the committee and states that she did some research on who the custodian of the records should be. The law is not specific on this question. The Commission can designate a custodian.

14-2-7. Designation of custodian; duties.

- Each public body shall designate at least one custodian of public records who shall:
- A. receive requests, including electronic mail or facsimile, to inspect public records;
 - B. respond to requests in the same medium, electronic or paper, in which the request was made in addition to any other medium that the custodian deems appropriate;
 - C. provide proper and reasonable opportunities to inspect public records;
 - D. provide reasonable facilities to make or furnish copies of the public records during usual business hours; and
 - E. post in a conspicuous location at the administrative office and on the publicly accessible web site, if any, of each public body a notice describing:
 - (1) the right of a person to inspect a public body's records;
 - (2) procedures for requesting inspection of public records, including the contact information for the custodian of public records;
 - (3) procedures for requesting copies of public records;
 - (4) reasonable fees for copying public records; and
 - (5) the responsibility of a public body to make available public records for inspection.

Ms. Jaramillo asked her fellow County Clerks who the custodian of the records was in their counties. She received nine replies and each one stated that their County Manager was their custodian of the records. Ms. Jaramillo provides the Commission with copies of the email replies and a copy of the law. The Commission thanks Ms. Jaramillo for the update and the information. The committee will report back to the Commission after their next meeting.

NO ACTION, INFORMATION ONLY

12. Update Ms. Ansley has no written update today.

Public Requests: At the Discretion of the Commission Chair. For Information Only (**No Action Can Be Taken**). Comments are limited to three (3) minutes per person on any subject.

Michael Godey, resident, speaks. He asks about Executive Sessions. If an Executive Session goes off subject what happens? Is it appropriate for a Commissioner to go off subject? Mr. Wallin replies that no, it would not be appropriate and normally the Commissioners try to be attuned to that, as does Mr. Wallin. Every attempt is made to only discuss the subjects listed on the agenda to be discussed. Mr. Godey further comments that he is in favor of the dangerous dog resolution that established a fee for owning a dangerous dog. This is a step in the right direction.

Lonnie Freyburger, resident, speaks. He also asks about Executive Session. He asks if discussions that occurred during executive session be discussed in open session. Mr. Wallin states that no, you cannot. Mr. Freyburger states that he was disappointed about the discussion that occurred at the last Commission meeting about the raise being discussed for the Fire Chief. Mr. Freyburger, former Commission Chair, states that he recalls approving the restructuring of the Fire Department, but no raises were approved. He was also disappointed in the Commission meeting discussion concerning Madam Commission DuCharme giving incorrect voting results to some of the volunteer firefighters after the last election. He believes this was an honest mistake.

Billie Mitchell, resident, speaks. She asks how do we know for a fact the exact County maintenance program in writing pertaining to green and red roads. She has requested a couple of times the actual written words pertaining to road maintenance. She asks about plowing when the snow is 6, 7, or 8 inches deep. She also asks if her road A102 is on its way to being a maintained county road. Mr. Leonard Lujan, Road Foreman, replies that there is a policy for green and red roads. The 8 inches came about when Mr. Freyburger was in office. They talked about waiting for more snow before they go out there because if they go out when it is only at 6 inches, by the time they get to the end of their district all the snow is gone and it's a waste of time and fuel. They do not push snow on green roads because green roads are only maintained once a year. In summary, Mr. Lujan states that road 102 has been graded. Ms. Mitchell disagrees.

Hank Van Es, resident, speaks. He comments that he also has a problem with the topic Mr. Freyburger discussed about the Commission approving the restructuring of the Fire Department, not specifically approving raises. He also wants to discuss the Duran Water situation. In July of last year the Mayor of Vaughn came in a requested \$25,000 for Duran and their water program. The question came up about it being a private water line owned by a private individual and that this would violate anti-donation. The following Commission meeting, Mr. Freyburger

mentioned that there was a funded program and that wells could be (inaudible) and an application could be made to the funded program. At that time, Mr. Van Es had requested a community well for McIntosh and part of that community well would be for the fire department because they do not have a guaranteed source of water. Nothing has been done.

Art DuCharme, resident, speaks. He wishes to discuss the CDBG projects. Having been involved in some of these proposals with Moriarty and with the EVSWA, it's possible to get successful awards that involve planning procedures as Ms. Ansley explained. There has been too much emphasis in the past on Duran which has 35 people. A fire house has been built there and now we are going to fix their water lines. He states that with that few people, the Commission must consider anti-donation. The planning grant that Ms. Ansley proposed should also be included in the application because we need to get better definition of these projects before they go forward and we should make sure that we are benefiting the most people with this money. Right now we are benefiting 35 people forever out there, which must be anti-donation.

MaryAnn Ende, resident, speaks. She comments on the change of timing for public comment. Most public organizations want more and more public input. Putting the comment at the end makes it difficult for people to get here and it is after the Commission has voted. If there is an item on the agenda that a person has an opinion about or has information that they want you to know about it, they are out of luck. It's tough to get in here and now comment is only 3 minutes and after the Commission has already voted. You might get information that is important to your vote. Bernalillo County does allow for public comments and they allow it at the beginning of the meeting. It may not always be convenient, but it's a public venue, it's what you were elected to do, it's kind of what you're paid to do and she encourages the Commission to change this. If they don't, it's another road block to have the community participate.

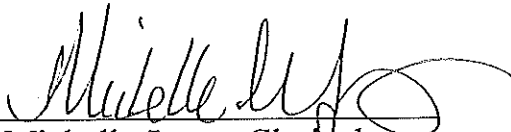
Robert Cortese, resident, speaks. He received a text message from a friend about the dangerous dog resolution and fees. He asks if this is the first time the subject has come before the Commission. This is the first time the Commission has discussed this item. He agrees with Ms. Ende and states that he goes to the Round House in Santa Fe a lot and that it is very different there; they can talk to their Representatives before they vote. He voted for his Commissioner and would hope that his Commissioner would represent him and would want to know how he feels about things. He is against dangerous dogs and owns a dog that is a breed that people don't like. People can come after him by saying it is a dangerous dog. There

are fees that the State charges the individual to be in the dangerous dog act. To Mr. Ortiz, this is like double dipping; it's making someone who has been charged with something who is going through the due process system that has been set up by the State and they are getting kind of priced out. They are making it so expensive to fight that a person cannot do it. Mr. Ortiz states that he is a Veteran and would have given his life to defend the right to be heard by his Government and he was not heard today until after the fact. He is very disappointed.

***Adjourn**

ACTION TAKEN: Commissioner Frost makes a motion to adjourn the February 25, 2015 Commission Meeting. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor none opposed. **MOTION CARRIED.** Meeting adjourned at 12:13m


Chairman Candelaria


Michelle Jones, Clerical

3/12/15
Date

The video of this meeting can be viewed in its entirety on the Torrance County NM Website. Audio discs of this meeting can be purchased in the Torrance County Clerk's Office and the audio of this meeting will be aired on our local radio station KXNM.