

Final Copy
Torrance County Board of Commissioners
Special Commission Meeting
March 18, 2015 - 6:00 P.M.

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
 Linda Jaramillo-County Clerk

Call Meeting to Order

Chairman Candelaria calls the meeting to order at 6:01 P.M. Chairman Candelaria is not physically present at this meeting but is present via conference call from Las Vegas, Nevada. Pledge is recited and invocation is made by Madam Commissioner DuCharme. At this time Chairman Candelaria asks if it is possible to ask one of the Commissioners to conduct the meeting tonight due to the fact that he is not present. Dennis Wallin, County Attorney, says he can and Chairman Candelaria asks Commissioner Frost to please conduct this meeting. Commissioner Frost asks Madam Commissioner DuCharme if she would conduct this meeting. She agrees.

Approval of the Meeting Agenda:

Madam Commissioner DuCharme 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 for discussion on this matter. Chairman Candelaria says that he does not have any discussion.

Commissioner Frost says that he would like to say that there has been discussion and questions about how all this came about and he would like to clarify. On Saturday he received a call from a representative from the office of Governor Susanna Martinez. This person informed him of the resignation of Senator Phil Griego from his seat in Senate District 39 and that the Torrance County Commission along with the other counties he represented would have to select nominees for his replacement and her appointment of one of these nominees. There being only 6 days left in this Legislative session the representative said that

it was imperative that this be done as soon as possible and preferably the next day, Sunday by 5:00 P.M. He says he questioned the 72 hour notice required and was told that this is not the usual case but that this would be considered an emergency meeting which requires 24 hour notice. He was told that the other counties had also been notified.

He was contacted and told that the Torrance County Emergency meeting was scheduled for 4:00 P.M. on Sunday. He also learned that the Republican Party was having a meeting at 2:30 P.M. on the same day. He received several letters from individuals who were seeking nomination by the Commission for appointment by the Governor. He attended the Republican meeting where 3 people were nominated by the party, a vote was taken and Ted Barela had the highest vote.

He says that he heard that by him and Chairman Candelaria being present at this meeting, that this might constitute a breach of the Open Meetings Act. He says that this is not the first time 2 commissioners have been at the same place at the same time. He says that there was no communication between them before or during the Republican meeting.

He says that at the Commission meeting following the Republican meeting he is the one who made the motion to present Ted Barela to the Governor's office as the nominee for Torrance. There were no other nominees present at the meeting but there were letters from others who had shown interest in the nomination. As of today he says that there have been other letters of interest submitted and the number is 11 of those interested in this nomination. With the exception on one which states his party affiliation no one gives their party affiliation and Commissioner Frosts says that it would not make a difference to him if they did. He says that he will consider the person who will best represent the people of our county. He gives information about the other counties who also will have names of nominees to present to the Governor. He at this time gives the names of those who have asked to be considered at nominees by the Commission. All hereto attached. They are as follows:

1. Julia I. Eddy of Manzano-Torrance (no resume or information)
2. Donald H. Smith of Capitan-Lincoln (no resume or information)
3. Lisa Harris of Moriarty-Torrance (no resume or information)
4. Gary Beene of Santa Fe (no resume or information)
5. Shannon Chancellor of Elephant Butte-Valencia (no resume or information)
6. Michael A. Vigil of Arriba-San Miguel (with information)
7. Mike Anaya of Santa Fe (with information)

8. Bobbie Shearer of Lincoln County (with information)
9. Brent Racher of Lincoln (with information)
10. Jose J. Varela Lopez of Santa Fe (with resume and information)
11. Ted Barela of Estancia-Torrance (with resume and information)

Commissioner Frost says this is what he remembers. Madam Commissioner DuCharme thanks Mr. Frost and at this time Dennis Wallin, attorney, reminds Madam Commissioner DuCharme that there is a motion and a second on approval of the meeting agenda.

Madam Commissioner DuCharme says that she is aware of this but would like to make a few comments. She says that she received a lot of complaints, written and verbal, about the so called emergency meeting held on Sunday. These people were not happy about the meeting, the vote, and felt excluded. These people would like to have public comment. She gives figures of 49,000 people who live in Senate District 39 with 7,000 of those being from Torrance County. Madam Commissioner DuCharme asks, that at this meeting, public comment be allowed and if motion should be amended.

Dennis Wallin, County Attorney, says that it is not necessary to amend the motion. The Commission can approve the agenda and then allow public comment. He and Chairman Candelaria had spoken earlier and Chairman Candelaria feels that public comment be allowed so all that is needed is approval of the agenda. Mr. Candelaria is asked by attorney if he agrees to have public comment and he answers, "Yes."

At this time Madam Commissioner DuCharme states that before the agenda is approved she would like to know why this meeting is being held today. Mr. Wallin says that his understanding is that there was a concern that having the emergency meeting would lead to litigation and delay the process of selecting a replacement for the vacant senate seat. So in an attempt to avoid litigation the county decided to have a special meeting. Madame Commissioner DuCharme asks if this is a legal meeting. Mr. Wallin says it is a legal meeting. He continues by saying that he feels the first emergency meeting was a legal meeting but there are other attorneys who disagree with his opinion which is common in the legal process. **ACTION TAKEN.** There being a motion and a second to approve today's agenda, Madam Commissioner DuCharme asks for a roll call vote. District 1-yes; District 2-yes; District 3-yes. **MOTION CARRIED.**

1. Selection of Nomination to the NM Senate, District 39 by Torrance County

Commission

Mr. Phil Archuleta, 2nd Vice Chair of the Republican Party introduces Mr. Ted Barela. He explains the process by which the Republican Party chose Mr. Barela as their nominee. He and the party feel that Mr. Barela is an excellent choice because of his position as Mayor of Estancia and for his many years of service in the State Highway Dept.

Commissioner Frost states that he listed the people who submitted names and that there were no names submitted by a Torrance County Democrat. He would like for anyone interested to please submit their name at this time.

Margarita Mecure-Hibbs, Chair of the Torrance County Democratic Party, speaks. She explains how the Democratic Party also met on Sunday at 2:00 P.M. and concluded that meeting at 4:00 P.M. She has a letter that she would like to read today. Letter hereto attached. Subject of letter is: Abuse of Power in Torrance County. It states that the Commission has again demonstrated their inability in the process of fair governance and the Republican Party's consensus for the illegal action taken on March 15th.

It states that when the Rep. Stephen Easley died it was not an emergency and he was replaced by a Republican. That the governor and willing partners in the counties have not met the merits and criteria of an emergency meeting which must constitute a grave economic impact or liability, or a serious issue surrounding life and safety. It explains the rules for conducting and proper notification of the Torrance County Democratic meetings. She makes the comparison of their meeting ending at 4:00 P.M. and the Commission meeting beginning at 4:00 P.M. on March 15th. It states that at this Commission meeting there was no public comment and that the Republican Party was given notice of the Commission meeting to choose a candidate to replace our former Senator but the same courtesy was not given to the Democratic Party.

It states that two Commissioners were present at the above mentioned Republican meeting which represents a quorum and participated in the vote in the selection of Mr. Ted Barela. It goes on to explain reasons as to why once elected to public office all citizens must be represented and not just the Republicans in the county. It gives the opinion that having this second meeting is essentially an admission of wrong doing on the part of Sunday's meeting. The letter goes on and makes mention of other issues associated with the Commission and gives opinions about bipartisanship and the actions of other elected officials.

In conclusion it states that with this letter they are asking for the Attorney General's Office to proceed with action on this matter and submit their strong objections to the entire matter and to ensure due process and minimal liability for the citizens of Torrance County that were shut out of this important process. It is signed by Margarita Mecure-Hibbs. Chair of the Torrance County Democratic Party with cc. Attorney General Hector Balderas, State Auditor Kim Keller and the Democratic Party of New Mexico. Letter hereto attached.

Madam Commissioner DuCharme tells Mr. Wallin, County Attorney, that the Commission needs an opinion on this matter. He asks what exactly does she need an opinion on? She says the fact that there was a quorum with both Commissioners being at the Republican meeting. Mr. Wallin says that he will be glad to go into closed session and give the Commission legal advice but not here in open session. Madam Commissioner DuCharme says that this is not on the agenda and she would like clarification before proceeding with meeting to avoid law suites. Mr. Wallin says that generally speaking if a Commissioner feels that his or her vote is unduly influenced they can recuse themselves.

At this time Madam Commissioner DuCharme proceeds with the meeting and allows public input from those present. They are as follows:

Mr. Michael Godey of Tajiique, N.M. gives a little background on how the position was filled in the House when Rep. Easley passed away and the advantages of it being done legally. It gave people interested in the position an opportunity to speak to the Commission and people got to meet Vickie Perea, the person who was appointed by the Governor. He says that he was satisfied with her representation as Representative. He says that the emergency meeting held on Sunday was corrupt. He knows that the Commission was either playing party politics or basing the meeting on instruction by the Governor. Other counties did not have emergency meetings. There is no precedent set for what was done.

He feels that there should be a break in this meeting and allow people to apply for nomination. He urged people on his Facebook page to finish their business of electing officers at their Sunday Democratic meeting so they could come to the Sunday Commission meeting.

At this time Dennis Wallin, County Attorney, asks if he can read the act, 10-15-1-F on what constitutes an emergency meeting in the law. He says that there is no precedent in N.M. as to emergency meetings it is with the court deciding this if

emergency meeting is questioned. He says he is reading about half way through and reads as follows, "A public body that ordinarily meets more frequently than once a week shall post a draft agenda 72 hours prior to the meeting and a final agenda at least 36 hours prior to the meeting. Except for emergency matters a public body may take action on only items on the agenda. For subsection purposes of this subsection, "emergency" refers to unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body." He grants that there is some ambiguity in this law and subject to interpretation. What was presented to him was whether Torrance County, by not having a Senator at the legislature in the last week of the session, would potentially lose or suffer substantial financial loss. It was his understanding that there were capital outlay projects pending, and, in his opinion, constituted a likely substantial financial loss to Torrance. He says that he feels the county was on solid legal ground by holding the emergency meeting and would have prevailed but having this go to court would have taken months.

Mr. Daniel Antonio Herrera introduces himself as el presidente de mas antes de Manzano. He says that the Commission should have allowed the Democratic Party, as it allowed the Republican Party, the chance to submit names for nomination. He believes that this is what the law suit will be based on.

Mr. Fred Sanchez of Tajiique says that he is embarrassed to see what is going on in our county government. He says that it is self-evident that is run like a banana republic. He says that he is proud to be a resident of Tajiique but not proud of how the county government is run.

Mr. Robert Chavez, Mayor of Willard, says that it would be nice if there could be some recommendations of Democrats but he says that all the Democrats present should know that the Governor will appoint a Republican. He says that he has known Ted Barela for a long time as a resident of Torrance and as the Mayor of Estancia. He says that Mr. Barela had strong ties with Sen. Griego and worked well with him as Mayor of Estancia. Mayor Chavez says that he has a CDBG grant request at the Legislature for a grant for a backup well in Willard. He feels the issue of not having representation in the Senate for Torrance is going to cut off his chances of getting grant money for a back-up well for Willard. He says that if the Democrats and Republicans continue fighting over this issue we will lose the opportunity to get a worthy person from Torrance in the Senate to represent us and represent us well.

Ms. Ann Ruhnka of Moriarty makes the point that having this meeting tonight is an admission of guilt on the part of the Commission. She also thinks that by Julia DuCharme asking, in the Emergency meeting during roll call vote, about the rush in conducting the meeting that she was not a part of the collusion. She continues that Mr. Frost admits to the meeting of the Republican Party. There was no notice to the Democrats. She says that Mr. Candelaria and Mr. Frost along with the governor are all bullies and making a mockery of Democracy.

Mr. Phil Archuleta of Mountainair, 2nd Vice Chair of the Torrance County Republican party and also 2nd Vice Chair of the State Republican Party says that she has had contact with the Chairman of the State Republican Party. She told him that they had every legal right to hold their meeting on Sunday and it was their obligation to do so. The Democratic Party could have done the same. They did not tell the Commission to have a meeting on Sunday.

Ms. Edwina Hewett of Mountainair says that she is also a member of the Torrance County Republican Party and part of her duties in the past was to review the rules laws of the Party. She says that she is an honorable and has massive integrity. She says that the Republican Meeting was held in accordance with their by-laws. She knew of the Commission meeting because she is on the agenda mailing list. She says that the Commission meeting was probably not a legal meeting but that she can sympathize with the Commission in that they were following the orders of the Governor and that the Commission did act in good faith. She says that for the most part she has beat up this Commission but this time she give them a pass. She does not know why the Democratic Party did not get notice. She says that people are a part of government should be included and not shut out. We are a community and we should start acting like it.

Madam Commissioner DuCharme says that she has some thoughts about the meeting on Sunday and the deadline they were give of 5:00 PM. She was glad that the 24 hour notice was given. She was critical of a previous emergency meeting but was glad that this meeting was so well organized. She felt the urgency to hold this meeting and treated it as an executive order. She feels the same concern about this meeting.

At this time 7:00 PM a break in proceedings is called. Meeting reconvenes a 7:15 P.M.

Madam Commissioner DuCharme calls the special meeting back to order. Chairman Candelaria says that when Rep. Easley was replaced the Legislature was

not in session, therefore there was ample time to find a replacement for him. The emergency meeting was called due to the fact that there was very little time left in the session and the small communities in Senate District 39 rely on capital outlay money for progress unlike the bigger counties who do well financially on their own. Because of this he would not have done anything different than what has been done.

Mr. Ted Barela of town of Estancia and Sunday's nomination. He says that he is not responsible for another party. He says that he would like to see the person nominated today who will do the best for the district. He says Phil Griego represented the whole district. He can vouch for this in his experience as Mayor of Estancia. He says that he is not here to defend the Commission or the Governor's office.

At this time Madam Commissioner DuCharme asks Mr. Barela how he found out about the vacancy in Sen. District 39. Mr. Barela says the Leroy Candelaria called him and asked him if he was aware of the letter that had been sent out.

Tom Oller of Estancia says the economic duress was not used as a reason for calling the meeting on Sunday. Economic duress was also not brought to the attention of those here today until the law was read and Mr. Candelaria made the statement of economic duress. This was not mentioned in the opening statement. The only thing mentioned was the call of the governor to have the meeting.

Mr. Godey says that at Sunday's meeting, Mr. Candelaria did not allow for public input in defiance of the spirit of open meetings.

Ms. Margarita Mecure-Hibbs makes a clarification that she did not have an questioning the validity of the Republican meeting held on Sunday. She says that the Democratic Party should have gotten equal notification of the Governor's demand letter. She asks if the Commission serves the entire county. Madam Commissioner DuCharme and Commissioner Frost answer, yes, and Ms. Mecure-Hibbs asks Chairman Candelaria for an answer to this since he is the one that contacted Mr. Barela. If they had been contacted none of this would have happened and they would not be here today.

She continues that, yes, when Rep. Easley passed away the Legislature was not in session and last year some legislators were not in session but that was not considered an emergency. Mrs. Mecure-Hibbs knows that a Democrat will not be nominated but it would have been very simple in this small community to simply

notify her or the state party by phone call or even on social media. In the past Republicans and Democrats have shared information. She says that she also did not question the qualifications of the nominee, Ted Barela. She concludes that all she is asking for is courtesy and civility. Again she asks Mr. Candelaria if he represents "all" of Torrance County. He answers, "Yes". She gives kudos to the appointed Rep., Vickie Perea.

Mr. Hibbs of Estancia says that he is saddened by the fact that the Governor said jump and all jumped. He feels that the emergency meeting did not meet the criteria for calling an emergency meeting. He says that he knows Ted Barela and worked with him as mayor and Mr. Barela as councilman of Estancia. He feels he is a very qualified nominee if chosen. The issue he has is the fact that the Democrat Party was not notified and the fact that two Commissioners were present at the Republican meeting prior to the Emergency Commissioner meeting.

Madam Commissioner DuCharme says that this is a difficult situation and she feels disappointed and embarrassed after the last meeting. She thinks that the county has a good choice in Mr. Barela. She says that when things are done in a rush mistakes can be made. She says that the two Commissioners attending the Republican meeting before the Commission meeting was wrong. She does not know if this is illegal but she feels it is unethical.

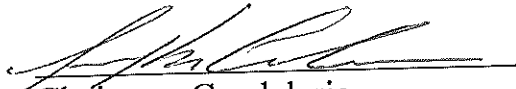
Madam Commissioner DuCharme says she wants to move forward and accept more applications or make a decision today but she will abstain. She does not want to open the county to any law suits.

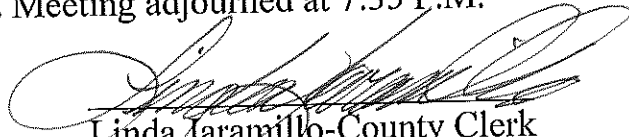
Chairman Candelaria makes the motion to submit Mr. Ted Barela's name for consideration to fill the position of Senator Phil Griego. Commissioner Frost seconds the motion. Discussion follows. Commissioner Frost says that they cannot go back to the Sunday meeting and they must move forward but he would like to say that there was not collusion between himself and Chairman Candelaria before or after the Republican meeting. He specifically speaks to Mr. Barela and tells him that he did not vote for him in the Republican meeting but he has complete faith in him. He says that most people know that he does not do Republican or Democrat. He does people.

Madam Commissioner DuCharme asks for a roll call vote. District 1-yes; District 2-abstains, District 3; yes. **MOTION CARRIED.**

Adjourn:

seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 7:35 P.M.


Chairman Candelaria


Linda Jaramillo-County Clerk

4/8/15
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.

Final Copy
Torrance County Board of Commissioners
Commission Meeting
March 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 9:00 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 March 11, 2015 Regular Meeting Minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the March 11, 2015 Regular Meeting Minutes. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the March 15, 2015 Emergency Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the March 15, 2015 Emergency Meeting Minutes. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme comments that on page two of the minutes it states, 'Mr. Phil Archuleta, 1st Vice Chair of the Torrance County Republican Party'. Mr. Archuleta is in fact 2nd Vice Chair. (*This correction will be made to the minutes*). No further discussion. The Commissioners vote; all in favor, none opposed. **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. Madam Commissioner DuCharme seconds the motion. The Commissioners vote to approve the agenda. All in favor, none opposed. **MOTION CARRIED.**

Approval of the Consent Agenda, approval of warrants, and 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. Chairman Candelaria seconds the motion. Madam

Commissioner DuCharme asks about a payment to unemployment compensation/FY13 in the amount of \$63,164.00. Ms. Ansley explains that this is not a payment to pay unemployment benefits, but rather unemployment claims that were paid in fiscal year 2013. In the last couple of years, the Commission has had numerous discussions about the changes in unemployment compensation in the State of New Mexico. At one time, unemployment costs for the County were between \$7,000.00 and \$10,000.00 per year; Torrance County paid into a pool. With no notification to the County, the State turned unemployment over to a third party administrator who started billing the actual costs of unemployment to all of the counties. This has created problems for counties throughout the State and our County has fought having to pay this for years. We now have enough budgeted to make this payment for FY13. Madam Commissioner DuCharme now asks about a payment of \$4,500.00 for two pickup trucks. Ms. Ansley explains that the trucks were purchases to add to the fleet for the Road Department. No further discussion. The Commissioners vote; all in favor, none opposed **MOTION CARRIED.**

Action Items

Items to Be Considered and Acted Upon

***Department Requests/Results:**

10. Boy Scouts Request to Use Torrance County Park for Camporee- Lt. John Stockum with the Torrance County Sheriff's Department speaks. The Boy Scouts would like to use the TC Park for their annual Camporee again this year. The

requested dates are from 4/24/15 – 4/26/15; Friday - Sunday. Lt. Stockum informs the Commission that there is a fire plan in place and that the County will be provided with a certificate of insurance from the Boy Scouts of America. 250 Scouts are expected to attend this year. The Scouts will clean up the park, as they do every year. The theme of the Camporee this year will be “TIME TRAVELER”! Their campsites will be set up in everything from Cave Man to Space Odyssey. Chairman Candelaria comments that the Scouts have had their Camporee at the park for many years now and we have never had any problems. They do an excellent job of cleaning up the park, usually leaving it better than they found it. **ACTION TAKEN.** Commissioner Freyburger makes a motion to approve the Boy Scouts Request to Use the Torrance County Park for the Camporee. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

1. Updates:

Javier Sanchez, Emergency Manager, speaks. He informs the Commission of his intention to submit an application for the revision of the Torrance County Community Wildfire Protection Plan. The application deadline is this Friday so Mr. Sanchez intends to submit it on Thursday and the Commission can ratify it at the next Commission meeting. The amount of the grant is \$15,000.00 with an in-kind match of 10%. Our intention is to collaborate with the Soil and Water Conservation District. The plan was created in 2008 and this is a great opportunity for us to bring it up to speed. The process to update it will take about a year; hopefully we can get the funding to do so. The grant will be awarded through the Association of Counties. The Commission will ratify this application at the next Commission meeting.

Joseph Ellis, EVSWA Manager, speaks. We are in the midst of the scrap tire abatement program for the County. This is a grant that the County has with the Solid Waste Bureau of NM Environment Department. This has always been open to County customers. This year, it was opened up to residents that live in the incorporated municipalities. Most of the tires are coming from residents of Moriarty. The program is well advertised but collection has been pretty slow, which is good news. There are not that many scrap tires out there. Residents can bring up to ten tires each drop-off at no charge. This will be our last opportunity to do a tire amnesty here in Torrance County. We have done it for many years and the Environment Dept. has already informed us that there are other communities that

need these amnesties. We don't know yet how long this amnesty will last. Mr. DeCosta and Mr. Ellis are working closely on this project. When the funding is spent, the program will end.

The other project that is underway is the study of the County waste management system; how the ordinance is implemented, how effective it is, etc. Gordon Environmental Engineering is the firm that has been contracted to do the study. In addition to collecting information from the County, they will be manning the collection stations for the next 3-4 weeks to directly get customer input. They have also put a county survey online. The easiest way to access the survey is to go to the EVSWA website, (EVSWA.COM) and click on the link to the survey. After all the data/input has been collected, Gordon Environmental Engineering will have a joint meeting with the EVSWA Board and the County Commission on Wednesday, May 20 to review the findings.

Commissioner Frost informs all that he will conduct his District meeting to discuss the proposed Road Policy on Saturday, April 11th at 9:00 am at the Soil and Water Conservation Office on Rt. 66, one mile west of Moriarty.

Madam Commissioner DuCharme informs all that she will conduct two District meetings to discuss the proposed Road Policy. One on Saturday, April 11th from 2-5 pm at the Moriarty Civic Center and another on Saturday, April 25th from 2-5 pm at the McIntosh Senior Center.

Madam Commissioner DuCharme comments on the public comment statement from Ms. Tracey Master at the last Commission meeting. She states that she saw how passionate Ms. Master was about her community, the Road Department, etc. Madam Commission DuCharme states that she completely agrees with Ms. Master that when people do a good job, they have to be praised and acknowledged for it. She states that she also knows that the majority of people don't like to complain, and when they complain they have a good reason for that. We have to be attentive to those complaints; not make excuses and just brush them off. We need to think about what can be done to satisfy those people. She also agrees with Ms. Master that we need more volunteers in our community. She knows many volunteers in our community and sees many of them here today. She wants to acknowledge and thank them: Michael Godey, Billie Mitchell, Hank Van Es, Brent Myrick, Fred Sanchez, and Edwina Hewett. They volunteer their time and their efforts to keep us on track as a Commission and to make their government work better for their community. Thank you.

Commissioner Candelaria informs all that he will be setting up his District meeting soon. He attended a Senior Citizen meeting in Estancia and was not aware of the amount of help we as a County receive from the United Way. This organization does a great deal to assist our seniors and their efforts are very much appreciated.

2. Request Approval to Apply for Illegal Dumping Grant through NMED- Daniel DeCosta, Code Enforcement Officer Mr. DeCosta speaks. This is a grant that we have been applying for for quite some time. We have been working with the EVSWA as partners on these grants. This grant is for \$16,000.00 to clean up illegal dumping around the County. A large portion of this clean-up will be in the A102 area and there are two properties in the Estancia Ranchettes area. Madam Commissioner DuCharme asks if, because the grant is over \$10,000.00, we have to go out for bid. Ms. Leslie Olivas, Purchasing Director, answers no because this is government to government. Chairman Candelaria comments that people don't really realize how much illegal dumping can cost the County. Commissioner Frost comments that every time our Road Department is cleaning up trash they could be spending that time fixing a road. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the request to Apply for the Illegal Dumping Grant through NMED. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

At this time the Commission takes a short break.

3. Request Approval to Apply for Agricultural Tire Exchange Grant through NMED- Dan DeCosta, Code Enforcement Dan DeCosta speaks. This is a grant from the Environment Department. This one is different from the ones we have done over the years. The application states, in part, the following:

The only occurrences of tire piles remaining in this county are in agricultural applications. Farmers in Tarrant County traditionally use whole scrap tires to secure tarps covering silage piles and pits. The goal of this demonstration project is to eliminate the use of problematic scrap tires used in agriculture, and replace them with safe semi tire sidewalls, a recycled-tire product. The County will collect scrap tires from farms, haul them to the Estancia Valley Tire Recycling Facility, and have them shipped to Denver City, Texas to be recycled into materials used for highway construction and other recycled rubber products. The County will then purchase sufficient recycled semi tire

sidewalls to replace the car tires. Farmers participate by loading all scrap tires to be recycled into containers for hauling, paying for delivery of the semi tire sidewalls, and installing the recycled sidewalls into their operations.

Commissioner Frosts asks if the farmers that will be involved have been contacted. Mr. Ellis replies that he has not spoken with all of the farmers on the sites that have been identified in the application. He has received a commitment from the Willard Dairy and has spoken with one of the farmers. He states that he wants to be clear that this is not a legal condemnation of farmers; nobody is going to go out and force anybody to participate in this. There is no legal involvement, no citations or fines. If this grant is approved, then the opportunity will be there for farmers to participate if they chose to. Mr. Ellis states that semi rings are preferable, this is something that the farmers want. Commissioner Frost asks if there will be any cost to the farmer. Mr. Ellis replies that the farmer will participate by either picking up the rings, or paying to have them delivered to their site. The farmer would also agree to load their car tires into containers that would be delivered to their property by the Authority. Mr. DeCosta comments that if this works out well, we would apply for this grant again. He further states that farmers would still be allowed to use car tires if they wished. The deadline for this application is next week, April 3rd. Commissioner Frost states that he would like to know how the farmers feel about this. One local farmer, Mr. Ryan Schwebach speaks. He states that currently his operation does about 70,000 tons in the valley. They have the passenger tires as well as cut truck tires. He states that after speaking with Mr. Ellis, he thinks this is an excellent, excellent program; he doesn't know of an operator that would not take a truck tire vs a sidewall tire. They are easier to handle and more economical and this sounds like a very good way to swap those tires out. Madam DuCharme asks how the farmers listed on the application were chosen. Mr. Ellis states that they just drove around and located farms with tire covered silage. Madam DuCharme asks if other interested farmers have time to apply to participate. Mr. Ellis replies that if, after they have worked with the recommended sites, they have money left over in the grant they could consider other sites. Madam DuCharme asks about the cost estimates listed on the Budget Proposal page of the application. Mr. DeCosta replies that these are estimates only and are based on approximate costs they would receive from the EVSWA. This is just the application; there is no contract yet. Mr. Ellis reiterates that this would be a voluntary program, no farmer will be forced to participate. After further discussion, the Commission votes. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the application for the Agricultural Tire Exchange Grant through NMED. Chairman Candelaria seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

4. Rural Primary Health Care Act Grant Application for Mountainair Health Clinic- Tracy Sedillo, Comptroller Ms. Sedillo speaks. We are getting ready to apply for the Rural Primary Health Care Act Grant for the Mountainair Health Clinic. The application is not ready to be presented to the Commission as PMS is still compiling the data. This application is resubmitted every four years and the contract is renewed each year. The Acknowledgement of Receipt of RFP and Intent to Submit Form have already been sent to the Department of Health and are included in the file for this meeting, along with a copy of the current contract. We are applying for the same amount that we received last year- \$117,600.00. This money is paid out monthly to PMS for the operation of the Mountainair Health Clinic. This grant has been running since the clinic was built 20 years ago. All the available information for this grant was reviewed by the grant committee and they had no concerns. All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to approve the Rural Primary Health Care Act Grant Application for the Mountainair Health Clinic. Commissioner Frost seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

5. Resolution 2015-013 Budget Increase- Tracy Sedillo, Comptroller Ms. Sedillo speaks. This resolution is a budget increase is for the election budget. The State required us to do an election recount. There was also a School Board election. The County was reimbursed for the costs involved to run both elections. The total increase to the budget is \$4,866.27. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve Resolution 2015-013 Budget Increase. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

6. Resolution 2015-014 Line Item Transfers- Tracy Sedillo, Comptroller Ms. Sedillo speaks. There are two Departments requesting line item transfers within their budgets: the Animal Shelter and the Road Department. This does not change their overall budget amounts. All documentation hereto attached. **ACTION TAKEN.** Chairman Candelaria makes a motion to approve Resolution 2015-014 Line Item Transfers. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

7. RMS Services Contract Renewal- Leslie Olivas, Purchasing Director Ms. Olivas speaks. This is an annual option year renewal for our HVAC contract with RMS Services. We have been very satisfied with their service and are exercising our option to renew. We have been working with RMS for about 6 years. Madam Commissioner DuCharme comments that this contract expired in January. Ms. Olivas comments that it is up to the Department head to keep up with their contracts. We noticed this one mid-February. We have a purchase order in place in case of emergencies and we also have a mutual agreement with RMS to keep services going unless we decide to terminate. Madam Commissioner DuCharme asks Mr. Wallin about having a termination clause of 90 days. Mr. Wallin comments that the contract currently has 30 days in the contract and 30 days should be sufficient. Madam Commissioner DuCharme asks if the County could RFP in 30 days. Mr. Wallin replies yes, but if the Commission desires he could looking into changing this to 90 days. No further discussion. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to approve the RMS Services Contract Renewal. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

8. Proposed County Road Policy- Leonard Lujan & Martin Gutierrez, Road Foreman Leonard Lujan speaks. He is asking about the Commissioner's District meetings to discuss the proposed Road Policy. As listed above, Commissioner Frost's meeting will be at 9:00 am on April 11th and Madam Commissioner DuCharme's first meeting will be that same day at 2:00pm. Madam Commissioner DuCharme's second meeting will be April 25th at 2:00pm and Chairman Candelaria will announce his meeting when he has finalized the date and time. All documentation hereto attached. **NO ACTION, DISCUSSION ONLY**

***Commission Matters:**

9. Coast 2 Coast Rx Card Marketing Agreement This item was tabled from the last Commission meeting because Mr. Wallin, County Attorney, had some concerns about the County endorsing an independent company; he still has those same concerns today. Coast 2 Coast Rx had requested that Torrance County allow our County Seal to be printed on their Rx cards. Mr. Wallin states that of course Coast 2 Coast is more than welcome to come into the community, obviously we would encourage that, but he recommends that the County not endorse one independent company over any others. All documentation hereto attached.

ACTION TAKEN Commissioner Frost makes a motion not to endorse Coast 2 Coast Rx Card Marketing. Madam Commissioner DuCharme seconds the motion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

11. Elect Vice-Chair of Commission **ACTION TAKEN:** Chairman Candelaria makes a motion to elect Commissioner Frost as Vice-Chair. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. Two in Favor, Madam Commissioner DuCharme abstains. **MOTION CARRIED**

***County Manager Requests/Reports:**

12. Update Ms. Ansley has no 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.

Betty Cabber, TC Assessor, speaks. A reminder to the public, the Torrance County map with all the parcel numbers and owner names and property values is on line. Go to www.Torrancecountynm.org, go to the County Assessor's page, and you can access the map. Also, the Notices of Value for 2015 will be mailed out on March 31st. Property owners have 30 days after the notices are mailed out to protest the values. You can call or come in and discuss your values at any time, but you have 30 days to formally protest per state statute. 2015 Protest forms can also be found on the County Assessors web page.

On a personal note, Ms. Mary Ann C. Anaya, former TC Probate Judge and Deputy County Assessor, has a daughter who is very ill and in the hospital. Please keep Mary Ann, her daughter, and the Anaya family in your thoughts and prayers.

Billie Mitchell, resident, speaks. She thanks Ms. Ansley for sending out Mr. Leonard Lujan, Road Foreman, out to work on their road; he did a spectacular job! Also, at the last Commission meeting, someone suggested allowing public comment at the beginning and at the end of each Commission meeting. Ms. Mitchell agrees with this idea; the public should be allow approx. 2-3 minutes at the beginning and at the end of the meetings to give suggestions and feedback to the Commission. Lastly, if you call the Sheriff's office for an emergency and you

say your road is A102, the Sheriff's office will say that is not your road. When are we going to know, for our area, where we live? Road names with no warning to the people who live out there. She also thanks Commissioner Frost, Ms. Ansley and Mr. Lujan for attending their Neighborhood Watch meeting.

Hank Van Es, resident, speaks. He attended the EVSWA meeting on the 19th and he got the general impression that we are going to have a rate increase soon. The Solid Waste people need 100 tons of trash per day to break even. They are only getting 86 tons per day currently. Plus, they have been informed by the City of Las Vegas, that they will no longer be dumping here in Torrance County. That reduces the volume even more. When the environmental study comes out, if there are enough cost savings suggested we may be able to avoid an increase.

Fred Sanchez, Tajique resident, speaks. He thanks the County Commission for letting the residents of Tajique have the Community Center back. He especially thanks Madam Commissioner DuCharme for her amendment that allows all the citizens of Torrance County to use the center whether they are a member of the Land Grant or not. On Sunday at 3:00pm, they will be having a Neighborhood Watch meeting. On the last Sunday in April, they will be having a Neighborhood Clean-up in the general area of Tajique and Torreon. ALL are invited to come out and help clean up! Lastly, Mr. Sanchez is a Veteran and a member of the American Legion Post 22. They initiated a new program to help Veterans; they created the Service Officer. Mr. Sanchez is the Service Officer. If anyone is having problems with benefits or anything else having to do with Veteran issues, they can contact Mr. Sanchez.

Mary Ann Ende, resident, speaks. She would like to address the Commission again on the Open Meetings issue. She knows that both Bernalillo and Santa Fe County Commissions make time to allow for public comments on agenda items as listed. Sometimes they have restrictions on time and even with their extensive agendas, they are able to make time for the public to speak during the meetings on agenda items. She encourages this Commission, a paid Commission, to do so. It will take more time and it will annoy at times but she encourages this. About one month ago, a gentleman came in to comment on the dangerous dog issue. On that day, the Commission did not let that man speak, today someone was allowed to speak. That gentleman waited there with his hand raised and no one even acknowledged him. This was an issue that was important to him. You say you want people to come and participate, but having no input is wrong. Commissioner Frost, can you explain why we do it this way? Commissioner Frost replies that he will

discuss this with Ms. Ende after the meeting. Ms. Ende asks the Commission again to listen to the people and change this.

Michael Godey, resident, speaks. He states that the Commission needs to put public comment back at the beginning of the meetings where they belong.

Edwina Hewett, Mountainair resident, speaks. She thanks the Commission for the last meeting; the level of inclusion was phenomenal! She put it on Facebook and said it loudly, that was the most honest meeting that has come from this body in years. She reiterates please open these meetings back up; we are a resource for you. Concerning the meetings for the Road Policy, Ms. Hewett offers to help Chairman Candelaria with his District meeting when he is ready.

Brent Myrick, Moriarty resident, speaks. First, he thanks Madam Commissioner DuCharme for recognizing the few of them that come to the meetings and are for open and honest government and accountability. With that being said, Mr. Myrick states that during his time in business or sitting on boards, sometimes he has made decisions that were wrong. Once he found out and was convinced they were wrong, he would come back and say he was wrong; we all make mistakes. A few meetings ago, he came to the Commission meeting and spoke and asked for Ms. Ansley's resignation. He wants to rescind that statement. He states that according to the law, and what was said, her resignation should have been due until any criminal charges were either dropped or dismissed or she was found not guilty. Charges have been dropped. Mr. Myrick states that he thinks he was wrong and he wants to apologize to Ms. Ansley personally; he criticized her in a public meeting and is now apologizing in a public meeting- it's only right.

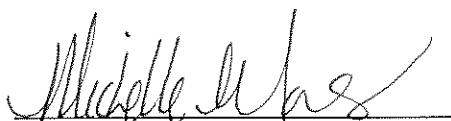
Bill Larson, resident, speaks. He states that he is a resident and voter in Madam Commissioner DuCharme's District. He states that he was not here two minutes this morning before he heard insinuating innuendos, using the word brush-off from Madam Commissioner DuCharme. He states that, as a voter, he is sick of that. He asks Madam Commissioner DuCharme to answer what he is going to say in a letter to the editor of the two newspapers so we do not waste the tax payers and the County employee's time with this Mickey Mouse bickering. He states the she spent

probably three minutes doing campaigning posturing talk in a Commission meeting. That's not unique. He states that she could learn the information she seeks by putting County employees on the defensive with her questions or she could go and see those employees herself and not waste our time with her lack of information. He wants our County to be a place where we can work together and trusts our government to do the right thing.

***Adjourn**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the March 25, 2015 Commission Meeting. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 11:06 am


Chairman Candelaria


Michelle Jones, Clerical

4/8/15

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.