

**Final Copy**  
**Torrance County Board of Commissioners**  
**Commission Meeting**  
**May 13, 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**  
   **Brandon Huss, 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. Madam Commissioner DuCharme gives the invocation.

**Approval of the Meeting Minutes:**

Chairman Candelaria asks for a motion to approve the April 22, 2015 Regular Meeting Minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the April 22, 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 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 a few questions. She asks about invoice # 175042015 in the amount of \$50,200.00 – 2 2014 4x4 trucks for the Fire Department. Ms. Ansley replies that Madam Commission DuCharme should have inquired about this directly with the Fire Department, but she assumes these trucks will either be outfitted for brush trucks or used as transport units. Madam Commissioner DuCharme asks about invoice #715112015 in the amount of \$8,666.18 – Animal Damage Control /July – Dec. 2014. She asks if this is a late payment. Ms. Ansley replies that it is not a late payment; Animal Control invoiced for July-Dec 2014 and Jan.-March 2015 at the same time. No further discussion. The Commissioners vote; all in favor, none opposed **MOTION CARRIED.**

**\*Action Items\***

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

**\*Department Requests/Reports:**

**1. Updates:**

**The Fair Board has provided the following written update:**

**Torrance County Fair Board Report May 13, 2015**

The Fair Board respectfully submits the following report of activities to date. The Torrance County Fair 2015 is scheduled August 11-15. The rodeo is scheduled for Saturday, August 8<sup>th</sup>.

As you are aware, the pig barn is slated for removal by the Torrance County Road Department. We are very appreciative of their assistance and are anxious to get the work done as soon as possible. The Manager's Office and the Road Department have been very cooperative and responsive to the Fair Board's needs every time we have asked for assistance. Thanks to them once again.

Specifications for the repairs necessitated by the vandalism at the Fair Grounds have been submitted and we are working with the Manager's office to submit the insurance claim and hire a contractor to start the work.

We unfortunately have two vacancies on the Board with one resignation and one removed for inactivity. We request the Commission advertise for replacements so we will have a full contingency to help with the hard work coming up in the near future. As you may have been informed, the Fair Board resolved that any member missing two consecutive meetings without a reasonable excuse would be removed. There is so much to go around that we can't afford inactive members.

We are excited about the plans for this year's fair and are optimistic that it will continue to meet everyone's expectations.

Marcie Wallin, Chair

(A letter of resignation from one of the Fair Board members is included in the file for this meeting.)

**Commissioner Frost** speaks. A couple of weeks ago Commissioner Frost attended a regional meeting of the Association of Counties in Santa Rosa. They gave a report of the progress that was made at the Legislative session in Santa Fe. Many issues were addressed and acted upon during the session which is a very positive thing.

**Madam Commissioner DuCharme** speaks. She states that she is trying to attend Fire Fighter meetings on a regular basis. We have a group of very good people who volunteer for Torrance County. It is not an easy job, but they are committed to doing it. We need more volunteers for our Fire Department. If you are strong and healthy please consider becoming a volunteer. You will be provided with training and will become a part of a very important, good group of people.

Madam Commissioner DuCharme now states that she was approached by a resident of the Heritage Road area, where fire hydrants were recently installed. The road is in very bad shape. She hopes the Road Department will tell us about their plans to fix this road.

Also, at the last Commission meeting there was discussion about possibly adopting a Noise Ordinance for the County. Madam Commissioner DuCharme will head a committee that will look into the feasibility of such an ordinance. She requests that

Mr. Fred Sanchez, someone for Planning and Zoning, someone from the Sheriff's Department, Mr. Bill Mohny, who originally came to the Commission with the proposal, and anyone else interested in participating on this committee contact her.

Ms. Ansley comments that there is already an agreement in place with Moriarty concerning Heritage Road; our Road Department has already committed to repairing it.

**Chairman Candelaria** speaks. An article appeared in the Albuquerque Journal that stated that Torrance County was one of the best counties in which to raise your kids. He states that we, (the Commission) make decisions that are popular and some that are not, but we all strive to keep Torrance County one of the best counties in New Mexico. Chairman Candelaria also thanks the Road Department for their hard work and efforts throughout the County.

**2. Contract for Services between Torrance County and AECOM- Javier Sanchez, Emergency Manager** Mr. Sanchez speaks. This item is not ready to be presented. All documentation hereto attached. **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.**

**3. Valuation Maintenance Plan 2015-2018 for Torrance County Assessor's Office- Betty Cabber, Assessor** Ms. Cabber presents a written report to the Commission- the 2015 Report of Values and Property Valuation Maintenance Program. *(The complete report is included in the file for this meeting.)*

In summary, the report advises the Commission of the current status of values in the County and the status of their current Valuation Maintenance program. The Assessor's Office has the job of assessing and adding all new improvements to existing improved properties. They also have the job of identifying all Residential sales in the County and adjusting the value of the land and improvement sold to current market value. Their third job is to reassess ALL county properties (Residential, Commercial, Agricultural and vacant land) every five years. Each year the Property Tax Division of the New Mexico Taxation and Revenue Department evaluates each county Assessor's office based on these three subjects

related to valuation and many other components of each office to make sure we are doing our job.

Our total overall full values for the county increased from 2014.

Part of the increase in value is from the building permits that the Appraisers work every year. There were 161 building permits issued in 2013 and we appraised and assessed them for 2014 for a total value of \$24,807,544.00. In 2014 we had 126 permits issued which were appraised and assessed for 2015 for a total value of \$13,534,903.00. This is close to a 50% decrease in added new value for 2015. This is an important factor in the need for a full county reassessment to be completed as quickly as possible.

Ms. Cabber also discusses sale prices of property values and the Property Valuation Maintenance and Reassessment Program. She informs the Commission that her office has been unable to complete a program of total reevaluation of every property in Torrance County during the past four years, per State Statute and IAAO Standards. She further states that not having the man power to go out and do a complete revaluation of the County on a 2-3 year cycle makes it difficult to meet state and IAAO standards. She asks the Commission to consider giving her a full time permanent Data Entry Clerk from the 401 General fund and a permanent full time Land/Ag Appraiser stating that within a year they will pay for themselves and her office would then be able to keep up with their complete reappraising/revaluing of all properties in the County and that will keep the valuation program on the right track. **NO ACTION, INFORMATION ONLY**

#### **4. Ratify FY13 Special EMG Grant- Javier Sanchez, Emergency Manager**

Mr. Sanchez speaks. He clarifies that this grant needs to be approved, not ratified. Some time ago Mr. Sanchez came before the Commission in order to seek approval of an application to submit to the Dept. of Homeland Security for a Special grant. The grant has been awarded so a sub-grant agreement has been issued to the County for signature. The total awarded amount is \$198,240.00. The local match is \$99,120.00- a 50% match. Mr. Sanchez has received letters from participating jurisdictions: Moriarty, Encino, Estancia, and Mountainair. The letters endorse the amount that they are willing to match in order to have the project described in the sub-grant agreement carried through. Mr. Sanchez states that he has met with the Grant Committee and has spoken with the County Attorney. Mr. Wallin has recommended creating an MOU that would commit the participating jurisdictions to the amounts stipulated in the letters. The commitment amounts are as follows: Moriarty- \$32,214.00, Encino- \$2,478.00, Estancia- \$4,956.00, Mountainair- \$12,390.00. The remainder of the match, \$47,082.00,

would come from the Fire and Law Enforcement budgets. Since the last Commission meeting, Mr. Sanchez has received commitments from both the Fire Department and Law Enforcement that they will provide the remainder of the match. All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to approve the FY13 Special EMG Grant. Commissioner Frost seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

**5. Request Out-of-State Travel and Actual Expenses to Colorado- Tracey Master, DWI Grant Coordinator** Ms. Master speaks. At a previous Commission meeting, Ms. Master gave a presentation about Crisis Response Teams and Critical Incident Stress Management and the importance of having something like this in our community. The training Ms. Master is planning on attending is a continuation of this type of training and will focus mainly on Grief after Trauma. She does have the funds in her budget to cover this trip and the training dates are May 19-20. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve Out-of-State Travel and Actual Expenses to Colorado for Ms. Master. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks if Ms. Master has the funds in her budget available for this travel as the Treasurer's report is showing her budget to be in the negative. Ms. Master explains that the LDWI grant is a reimbursable grant; she spends the funds and is then reimbursed by the grant. Also, there was an issue at DFA that was discovered earlier this week that should be rectified soon. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

**6. FY-2015-02-DWI Contract with Torrance County Counseling for Treatment of Convicted DWI Offenders-Tracey Master, DWI Coordinator** Ms. Master speaks. This is a professional services agreement between Torrance County Counseling and Torrance County, contract FY2015-02-DWI amendment #1. The purpose of the amendment is to be able to pay an additional \$1,000.00 to Torrance County Counseling for treatment of convicted DWI offenders. Ms. Master further explains that with treatment, it is obviously very hard to predict how much money will be needed. There is no way to predict how many offenders will be convicted, how many will have private insurance, how many will not, etc. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the FY-2015-02-DWI Contract with Torrance County Counseling for Treatment of Convicted DWI Offenders. Madam Commissioner

DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

**7. Resolution 2015-016 Budget Increase- Tracy Sedillo, Comptroller Ms. Sedillo speaks.** This resolution is a budget increase for the NRA grant that the Sheriff's Department received. It is a new fund that her office is creating in the amount of \$3,520.00. They have already received the funds for this grant. This grant will give the Sheriff's Department membership to the shooting range in Moriarty. All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to approve Resolution 2015-016 Budget Increase. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

**8. Resolution 2015-017 Line Item Transfers- Tracy Sedillo, Comptroller Ms. Sedillo speaks.** There are departments requesting line item transfers within their budgets. This does not change their overall budget amounts. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to approve Resolution 2015-017 Line Item Transfers. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

**9. 2015-2016 Interim Budget- Tracy Sedillo, Comptroller Ms. Sedillo speaks.** She is currently working on the interim budget that is due for approval on June 1<sup>st</sup> and is requesting some direction from the Commission. The Extension Service is requesting \$94,068.00; an increase of \$3,000.00 over last years' allocation and animal control is requesting an allocation of \$29,500.00; equal to last years' allocation. She is also asking if the Commission wants to consider salary increases for the staff. The Commission has approved salary increases in the past: an across the board 3% raise for the 2012-13 fiscal year, \$0.75/hr increase for the 2013-14 fiscal year, and a \$0.50/hr increase for the 2014-15 fiscal year. After some discussion the Commission decides to continue to fund Animal Control, agrees to the Extension Office request, and instructs Ms. Sedillo to make an initial calculation of a \$0.75/hr raise into the budget. Note that at this time, the interim budget is a work in progress and none of these requests are final and they may or may not be approved when the budget is officially approved by the Commission. All documentation hereto attached. **NO ACTION, DISCUSSION ONLY**

**10. Contract Extension between Estancia Basin Water Planning Committee and HydroResolution, Inc.** Ms. Cheri Lujan, recorder for the Estancia Basin Water Planning Committee and District Manager for the East Torrance Soil and Water District, will present this item. The Commission signed an MOU between Santa Fe County, Bernalillo County, and Torrance County to help create a regional water planning committee. Santa Fe County provides funds to the committee in the amount of \$10,000.00 per year. Torrance County is the fiscal agent. The water planning committee went out for an RFP for a company to perform groundwater level monitoring activities associated with implementing the original Estancia Basin Regional Water Plan. The RFP was awarded to HydroResolution, Inc. and has been in effect since 2011. The contract has been extended three times. Ms. Lujan is asking the Commission to approve an extension to the contract with HydroResolution, Inc. for another year. Mr. Wallin has reviewed this extension. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to approve the contract extension between Estancia Basin Water Planning Committee and HydroResolution, Inc. Chairman Candelaria seconds the motion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

Ms. Lujan takes this opportunity to thank Mr. Steve Guetschow, P&Z Director, for his attendance and participation at the Water Planning Committee meetings.

**11. Payment for Paramedic Classes for County Volunteers- Annette Ortiz, Deputy County Manager** Ms. Ortiz speaks. This topic has come before the Commission in the past and a definitive answer has not yet been reached. The Manager's Office needs direction from the Commission on how to handle requests for payment for Paramedic Classes which are required for our volunteer paramedics. Mr. Wallin, County Attorney, comments that if the Commission decides to pay for classes, it needs to be contingent on a signed agreement with that individual that they will continue to provide paramedic services to Torrance County for a specified amount of time. Mr. Wallin states that he believes this is the only way the County can pay for classes and avoid anti-donation issues. There is going to have to be a contractual agreement. Counties have similar agreements with Sheriff's Deputies for certification classes, for example. The County Managers office recently received a request for payment. The funds to pay for the classes, if approved, would come from the County Fire budgets, not from the General fund. Mr. Wallin states that his office will have a recommendation for the Commission at the next meeting along with a form of contract if the Commission would like. Mr. Wallin further states that this will have to be a reimbursement situation where the person would initially pay for the classes and then get



reimbursed by the County and the agreement would have to encompass a payback provision if the person did not graduate. After some discussion, the Commission makes a decision. All documentation hereto attached. **ACTION TAKEN** Chairman Candelaria makes the motion that the County will reimburse for tuition subject to this individual agreeing to sign the contract that the County is going to prepare. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

**12. Request for Memorandum of Understanding with La Merced Del Pueblo de Tajique- Andrew Gutierrez, La Merced Del Pueblo de Tajique**

Mr. Gutierrez, Land Grant Board member, speaks. He comes to the Commission today with an MOU. They are requesting the County Road Department do some land improvement work to their cemetery property; they need to improve the access road, do some drainage work, and rework the terrain of the property. The MOU stipulates that the Land Grant will pay the County for all work done by the Road department. This is a government to government agreement and it has been reviewed by legal. Mr. Gutierrez comments that the work should only take one day. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to approve the MOU with La Merced Del Pueblo de Tajique. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

**13. Resolution 2015-018 Support of First Choice Community Health Project in Edgewood**

Ms. Michelle Melendez, representing First Choice Community Healthcare, speaks. First Choice currently has a facility in Edgewood that services a regional population throughout the Estancia Valley; they have 6300 patients. They have four doctors on staff, two dental practitioners, and one behavioral health counselor. They serve all ages and all patients, regardless of their income and insurance status. Their current facility is too small for the need and they are looking at an expansion and a new building which will be built on state land that is currently being leased by the city of Edgewood. First Choice would sublease the property. A larger facility would also mean a larger staff and a 24 hour Urgent Care. Commissioner Frost comments about the wording of the resolution; he would like to add the following verbiage:

‘WHERE AS, Torrance County thanks Edgewood for their efforts to build a Health Commons Center and also thanks in advance to Edgewood for supporting

Torrance County's quest to do a feasibility study for a hospital to be built in Torrance County.'

Commissioner Frost states that if this can be added to the resolution, he will make a motion to approve it. All documentation hereto attached. **ACTION TAKEN** Chairman Candelaria makes a motion to approve Resolution 2015-018 Support of First Choice Community Health Project in Edgewood. Commissioner Frost seconds the motion. Madam Commissioner DuCharme questions the wording of the resolution with respect to the kind of support Torrance County will provide to the project. She does not want the implication that Torrance County will provide any financial support. Ms. Melendez states clearly that First Choice is not asking for any financial support or any other support other than of the concept. They are submitting an application to the Federal Government next week and they want to be able to show that there is a great need in this region and that the County and local governments in this region support the concept. The Commission decides to reword a portion of the resolution. Commissioner Frost's statements are noted for the record here in the minutes, but will not be part of the final draft of the resolution. A portion of the resolution will be reworded to state that while Torrance County will not provide financial support, it does support in concept, the expansion of the facility. At this time, Commissioner Frost withdraws his second to the original motion and Chairman Candelaria withdraws his original motion. Chairman Candelaria makes the motion to approve the resolution as amended with the language that there will be no financial support. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

**15. Joint Resolution 2015-019 Between Torrance County and the Village of Willard for the Transfer of Village Fire Services and Tangible Personal Property of the Willard Fire Department to Torrance County.** Mr, Wallin speaks. He does not believe this is the appropriate vehicle to accomplish what needs to be done here. He will be working on an MOA, etc. and requests that this item be tabled. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to table this item. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **ITEM TABLED.**

**\*Public Hearing:**

As part of our efforts to keep residents, business owners, and other members of the public informed and involved in the decision process, the Torrance County Commission is seeking input regarding the Proposed Road Policy.

The Public Hearing begins at 11:25am.

Chairman Candelaria informs all present that they must sign in if they would like to speak. Speakers are asked to first state their name for the record and will have approximately 4 minutes to speak.

Persons who gave public comment:

**Billie Mitchell**, resident, speaks. She points out some grammatical errors in the draft of the policy, particularly noting words that should be capitalized. She also points out to the Commission that the most recent draft of the policy is not yet uploaded on to the TC Website. She questions verbiage on page 3, Section II, 1. Snow Removal. "When snow depth is eight (8) inches or greater on non-paved roads, and three (3) inches or greater on paved roads, the Road Department shall commence snow removal..." She wonders if it should state 8 inches on paved and 3 inches on non-paved. She states that it is her understanding that the County Manager is not allowed to make any changes to the policy, but it seems that changes have been made; portions of the draft have been removed. Mr. Wallin clarifies that his office made those changes as those insertions were inappropriate under NM law. Lastly, Ms. Mitchell questions page 19, "**5. Interpretation.** Interpretation of this policy shall be made by the Road Foreman, subject to review and approval of the County Manager and County Attorney." She thinks it should say subject to review and approval of the County Manger, County Attorney, and the County Commission. Ms. Mitchell asks, "Who is the 'Road Administrator'?" Ms. Ortiz replies that Trish Chavez is the current Road Admin.

**Hank Van Es**, resident, speaks. There has been a problem with Ms. Ansley confusing accepted County roads with private roads. Therefore, there needs to be definitions of private roads, accepted County roads, and vacated roads and/or unaccepted roads included in the policy. Also, Mr. Van Es states that he is concerned that private individuals cannot maintain unaccepted roads. He had to drive through a huge puddle this morning, and cannot do anything to fix it without

getting permission from the County. The County works for him, he does not work for the County.

**David Smith**, resident and representative of Chamisa Acres Homeowners Association, speaks. He has a question and comment about item **4. B. Accepting or Establishing a County Road II. Establishing a County Road by Plat**. The draft policy currently states, "1. "Whenever a petition shall be presented to the board of county commissioner of any county of this state praying for a public highway, and the names of all the owners of all the land through which said road is to be laid out, shall be signed by the owners thereof to said petition, giving the right-of-way through the land, and accompanied by a plat of the road, it shall be the duty of the board of county commissioners , if in their opinion, the public good requires it, to declare the same a public highway, and thereupon a plat shall be filed and recorded and the said road shall become a public highway from and after that date." NMSA 67-5-20.

His homeowners association has been trying to establish a county road by plat. They are having a lot of difficulty getting ALL the signatures of ALL the owners of ALL the land through which said road is to be laid out. Mr. Smith asks if this requirement can be changed to possibly 75-80 % of the owners' signatures. When property owners live out of state, don't or won't respond to requests from their association, etc. this can become a very difficult requirement.

**Michael Godey**, resident, speaks. He thanks the Commission and the Road Department for having this hearing. He concurs with Mr. Smith and thinks this requirement should be changed. Mr. Wallin comments that this portion of the policy comes directly from State statute. Mr. Godey replies that he believes that the State has ignored roads and has not done their job in supporting the County's efforts to improve Road Policy.

The Commission thanks all who attended and participated in this public hearing.

The Public Hearing concludes at 11:40 am.

**14. Contract for Inmate Confinement in Bernalillo County** Mr. Wallin speaks. Torrance County has an agreement in place with Bernalillo County for juvenile detention. This is an amendment that Bernalillo County is insisting upon. Essentially the only change is the daily payment amount; it has increases from \$135.00 per day to \$165.00 per day. Mr. Wallin has reviewed the amendment and

does not see any way that we could dispute the increase. He adds that there is a lot of extra expense that goes into running a juvenile facility. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to approve the Contract for Inmate Confinement in Bernalillo County. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks if we have other options. Ms. Ansley replies that we have contracts with Chavez, Santa Fe, and Bernalillo Counties. We usually just have to pick an available bed. The decision usually depends on time for transport, etc. The daily rate charged to house a juvenile in these other counties can run anywhere from \$170.00 per day to \$280.00 per day approximately. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

*\*County Manager Requests/Reports:*

**16. Update** Ms. Ansley presents the Commission the following report:

1. The week of May 25, there will be some filming going on, outside our building and around the Town of Estancia. The crew will ask the staff and visitors for the next Commission meeting to park in a different area, so as not to obstruct the view of the building.
2. The ads will go in the paper this week and next for the board positions with the EVSWA and the EBWPC, so if you know if anybody interested, they need to watch and respond to those ads.
3. Ray, from IT told me earlier this week that we have an issue with the County servers needing to be replaced. Estimated cost is around \$35,000, for hardware and software purchases and installation. This is something that we'll be asking the Commission to consider at budget time.
4. In 2013, the County received an appropriation for the Juvenile Justice Board's Receiving and Assessment Center. The appropriation was for the construction or rehabilitation of the building. Since the JJB chose a building that belonged to the Moriarty School District, the County is unable to spend legislative dollars on school property. We asked the appropriation be reauthorized this session, to the MSD, and it was approved.
5. Would the Commission like us to advertise for the Fair Board vacancies?  
(Yes)

Ms. Ansley takes this opportunity to thank her Torrance County family for being so good to her and her family during their time of loss this past month.

**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.

**Cheryl Hamm, resident,** reads a written statement. In summary, she states that on February 11<sup>th</sup> she came before the Commission in an official capacity as a Fire Chief to raise questions about a possible conflict of interest between the Fire Department and Madam Commissioner DuCharme. She agreed to meet in closed session as it related to a personnel matter. However, before the scheduled meeting Ms. DuCharme cancelled the session claiming Ms. Hamm was not an employee and could not be heard, effectively shutting down her claim. Ms. Hamm further states that in the immediate aftermath former Commissioner Freyburger informed Ms. Hamm that he would no longer be coming to her restaurant, along with Ms. DuCharme's husband and others also choosing that option, which is their right. She states that this not only hurt her, but the loss of business was direct retaliation against her business partner and her employees. Ms. DuCharme's continued interference in the Fire Department has created a growing rift between responders that has become not only distracting but dangerous. The responsibility of the responders' safety sits squarely on the shoulders of the Chief and this interference under the false guise of improving the department has made the job precarious and a burden Ms. Hamm no longer wishes to shoulder. As of Monday, May 11, Ms. Hamm has resigned from the Department that she invested 12 years and thousands of hours in. Ms. Hamm further states that she now has no choice but to close her business of 7 years in June, costing her her home of 18 years and forcing 7 other persons into unemployment who will most likely have to seek work outside of the County. She also guarantees that she will not be the last person to leave the Department and she will not be the last business to close in the County this year. Lastly, Ms. Hamm states, "My question to you Commissioner DuCharme - how many peoples' lives have to be torn apart and even lost while you and your predecessor's faction continue the quest for control while ignoring the true needs of the citizens of this County?"

**Linda Filippi,** resident of the Loma Parada Subdivision near Abo. She is here today to share with the Commission an issue that is possibly emerging in the County and in her community. She reads the following letter, which she has sent to the NMDOH:

To: New Mexico Department of Health

From: Linda Filippi, Ph.D.

May 9, 2015

RE: Growing Medical Cannabis

I have been a land/home owner in Torrance County since 1993. I am a member of our county health improvement council, The Partnership for a Healthy Torrance Community, on the Steering Committee for a Health Impact Assessment (HIA) on the formerly proposed Lobos CO2 Pipeline, and I work in school-based health centers. I am writing this memo as a private land owner in the Loma Parda Subdivision, a residential subdivision in the Conservallon Zone of Torrance County, New Mexico.

It has recently come to my attention that the land adjoining my property was purchased in the middle of April by 3 individuals, 1 of whom is Trevor Reed, medical cannabis grower/distributor and owner of Natural Rx, with shops in Albuquerque, Placitas, and Los Lunas. My neighbors and I learned of his medical cannabis affiliation by simply doing an on-line search.

On Thursday, May 7 I learned that the owners intend to build a greenhouse, and in fact, have already cut a large building pad, with growing supplies delivered to the property last week. I have consulted Torrance County Planning & Zoning about county zoning ordinances and the county land use plan in an attempt to better understand how this was being permitted. I have also talked with a representative in your offices about the regulation/licensing of medical cannabis. She was both very helpful in providing me information and quite clear about the limits of what she could share because of the confidential nature of the medical cannabis program.

Because of the cloak of confidentiality that the state has wrapped around the production and distribution of medical cannabis I cannot know for sure if the construction of the aforementioned greenhouse is for the commercial production of cannabis. As a result I am forced to connect dots and make assumptions: medical cannabis grower/distributor...large building pad in secluded area...delivery of over 6 tons of perlite according to the driver of the delivery semi...new Los Lunas store?

If indeed there is the possibility that medical cannabis is to be grown on this property I want to register with you my deep disapproval. Let me be clear, I do not object to people having access to cannabis to alleviate pain. I do object to the commercial growing of that cannabis in this geographic area for the following reasons:

1. **THE LAND IS FRAGILE AND WATER IS SCARCE** I have concern about what such a project would mean for our waters and land. I have placed calls to Claunch Pinto Soil and Water Conservation District, Natural Resources Conservation Services, and the State Engineers Office to discuss my concerns.
2. **SIGNIFICANT PUBLIC RISK** In a county that has marked substance abuse issues and drug related criminal behavior, and where law enforcement is overtaxed and at a significant geographic distance, the presence of a greenhouse in a remote area filled

with cannabis invites trouble. To think that such an operation will remain confidential is terribly misguided. Already people in Mountainair are talking about it. I have placed a call to Torrance County Sheriff Heath White to discuss my concerns.

3. **FINANCIAL RISK** I have concerns about the financial risk I incur as an adjacent landowner where the value of my home may be negatively impacted. I have concerns about the financial risk the county may incur if law enforcement needs increase. And I have a question: as growers are non-profit entities does a county receive taxes from the multi-million dollar medical cannabis industry, or are they simply left with the associated risks?
4. **LACK OF COMMUNITY ENGAGEMENT** My understanding is that DOH assesses the health consequences to a community in the licensure review process. I must ask, how are health consequences assessed with no formal way for community members to make their voices heard? Why not bring the whole issue into the light of day, providing real security for all involved?
5. **STATE AND COUNTY DISCONNECT** Medical cannabis production did not exist when the current zoning ordinances in Torrance County were written. The harvesting of medical cannabis is not the equivalent of harvesting pinto beans, raising steer for beef, or growing tomatoes for the farmer's market. Without comprehensive and coordinated planning and regulation between the state and county the public and county bears an unnecessary burden of risk in the form of possible decreased property values, increased costs for law enforcement, and strain to land and waters.

I would appreciate a response to this e-mail and request a conversation with someone in NMDOH about my concerns. Thank you.

Respectfully,

Linda J. Filippi, Ph.D.  
ljfilippi@msn.com

**Addie Draper**, a resident of Loma Parda Subdivision, reads the following letter that she has sent to the DOH:

Addie Draper  
Statement on potential Medical Marijuana Greenhouse in Loma Parda subdivision  
May 12, 2015



Dear Andrea Sundberg,

There is apparently a medical marijuana growing operation going on at 8 Abo Rd in the Loma Parda subdivision outside of Mountainair NM. This is wrapped in secrecy, but as a neighbor to the property being discussed I have been witness to enough activities to make it pretty clear that that is what is underway.

This 'subdivision' is composed of RESIDENTIAL houses. Our life style is quiet, domestic. This proposed greenhouse would introduce a commercial aspect to the area that isn't what the landowners want.

Our roads are dirt and narrow. Two SUV's passing have to be careful. Mr. Reed had a semi out here the other day and it looked preposterous on the road, took up all the space! The roads are rutted and designed for light traffic.

The water in the area is marginal at best. There is a well on that property that currently is registered as a domestic well. I am not sure we have enough water to support an agricultural well. I have a great concern about what impact on my water that operation will have. We are all on wells out here and they are not heavy flow wells. The water we tap into can be connected underground.

We are isolated out here. Any security issues would have to be handled by the county police. Check out how large Torrance County is and how much of a police force is available. The issue is that even though this marijuana is legal, there is still a huge illegal world of marijuana. This area and its surrounds has a long history of illegal growing. This proposed greenhouse will be a mark. There is so much money involved in the marijuana world, both legal and illegal. If you ok this permit you will potentially be opening our neighborhood up to this world. As I said before we are quiet, residential and domestic out here. We do not want to have drugs in our area, legal or illegal.

How will this affect our fragile landscape? There is an archeological ruin on that property. It is located up the same arroyo that the Abo Ruins are located on. The ruin on Mr. Reed's land is an 'outlier' habitation connected to the main ruin that is off hwy 60.

I cannot stress strongly enough that this is a neighborhood. This is NOT empty land. This is residential, not commercial, we have water issues, we have security issues. This is not a good area to start a project of this type and size. The town of Mountainair would seem to be a much better location if they need to be in this area. The town has water, security, roads, a populace right there that could provide workers. I am confused as to why Mr Reed would choose to build here where everything would be an issue.

Thanks for your time.

Addie Draper

**Susan Oviatt**, Socorro resident, speaks. She is here to speak on the same topic as Ms. Filippi and Ms. Draper – the potential Medical Marijuana greenhouse in the Loma Parda Subdivision. Ms. Oviatt is an adjacent landowner. She also reads a letter that she sent to the DOH. In summary, Ms. Oviatt reiterates the comments of the two prior speakers. She too is very concerned about the impact this operation will have on their fragile quiet residential neighborhood. Lastly, she states that the development should be prohibited. She asks the Commission to please do what they can.

**Michael Godey**, resident, speaks. He asks if the persons running the proposed Medical Marijuana greenhouse in the Loma Parada Subdivision went before P&Z for a Special Use permit. If not, this is another example of someone beginning something before they received approval and a gross violation of the Zoning Ordinance of Torrance County.

**Billie Mitchell**, resident, speaks. Residents in her neighborhood have been fighting a similar battle as the previous speakers with the Founders Ranch Shooting Range. The range was approved in 2004 and part of it is still going through litigation. She states that the County approved it prior to asking any neighbors anything about it. She states that they listen to shooting 24 hours a day, 5 days a week.

**Fred Sanchez**, Tajique resident, speaks. He announces that there will be a Memorial Day Ceremony at the cemetery here in Estancia @10:00 am, Monday May 25<sup>th</sup>. This will be the third year for the ceremony and it will be a very nice event. A flag will be delivered to the cemetery by coach. It will be beautiful and all are encouraged to attend.

**Susan Bunnell**, resident, speaks. She reads an email that was written to the DOH concerning the cannabis growing operation in the Loma Parada Subdivision. She reiterates the comments and concerns that were stated earlier. She clarifies that she is not opposed to medical marijuana or the legalization of marijuana, but she is concerned with this operation. She states, among other things, that it is negligent for local residents not to be included in the process authorizing this land use. She talks about the potential negative repercussions to property values, neighboring communities, etc. and the potential for criminal activity. Lastly she states that a residential subdivision in Torrance County is the wrong place at the wrong time for this land use.

**Lenora Lovato Romero**, resident, speaks. She states that she is against the medical marijuana greenhouse that is assumed to be coming. Due to the confidentiality of the medical marijuana program, she does not have a lot of information about it. She expresses her concerns about the abuse of our sacred land and sacred water. She works in the schools and they teach the students to say no to drugs. She states that if this operation is approved, what message is that sending to

our youth? She worries that kids will try to steal it, etc. Lastly she states that she feels sorry for people that are in pain, but she does not think medical marijuana is the solution. She does not want this in her backyard.

### EXECUTIVE SESSION

*As Per Motion and Roll Call Vote, Pursuant to New Mexico State Statute 10-15-1, the Following Matters Will Be Discussed in Closed Session:*

#### **Threatened & Pending Litigation 10-15-1 (h)(7):**

- a. Ende et al. V. Torrance County
- b. Aztec L&P v. Torrance County
- c. Rogers v. Torrance County Sheriff
- d. Lopez v. Torrance County
- e. CCA potential litigation
- f. Discuss possible legal challenge to the Governor's line item veto of the sunset clause in SB 268 (2014)

**ACTION TAKEN:** Commissioner Frost makes a motion to go into Executive Session. Madam Commissioner DuCharme seconds the motion. Roll Call Vote: District 1 Yes, District 2 Yes, District 3 Yes. **MOTION CARRIED.**

Executive session starts at 12:15pm.

#### **\*Reconvene from Executive Session**

**ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to reconvene from Executive Session. Commissioner Frost seconds the motion. No further discussion, all in favor. **MOTION CARRIED.**

**Regular Session reconvenes at 2:00 pm.**


Chairman Candelaria states that during Executive Session only items a-f listed above were discussed and no action was taken.

**ACTION TAKEN:** Commissioner Frost makes a motion to join other small counties in a possible legal challenge to the Governor's line item veto of the sunset clause in SB 268 (2014). Chairman Candelaria seconds the motion. Madam Commissioner DuCharme states that she is not in favor of pursuing this litigation as this could become financially very costly for the County. No further discussion, two in favor, Madam Commissioner DuCharme opposed. **MOTION CARRIED.**

*\*Adjourn*

**ACTION TAKEN:** Commissioner Frost makes a motion to adjourn the May 13, 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 2:06 pm

  
Chairman Candelaria

  
Michelle Jones, Clerical

5/27/15  
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.**