

**Final Copy**  
**Torrance County Board of Commissioners**  
**Commission Meeting**  
**July 8, 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 gives the invocation.

**Approval of the Meeting Minutes:**

Chairman Candelaria asks for a motion to approve the June 24, 2015 Regular Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the June 24, 2015 Meeting Minutes. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote; all in favor. **MOTION CARRIED.**

**Approval of the Meeting Minutes:**

Chairman Candelaria asks for a motion to approve the June 25, 2015 Special Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the June 25, 2015 Special Meeting Minutes. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor. **MOTION CARRIED.**

### **Approval of the Meeting Agenda:**

Chairman Candelaria asks for a motion to approve today's Meeting Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve today's Commission Meeting Agenda. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks about the addition of the Public Hearing to the agenda; it was not on the agenda when she received her packet. Madam Commissioner DuCharme asks her fellow Commissioners if they feel they are prepared to discuss this item. Ms. Annette Ortiz replies that she did not have the information for the Public Hearing when she printed the agenda. Mr. Guetschow from P&Z contacted her late Thursday evening or Friday morning to inquire about this as notice of the Public Hearing had already been posted in the newspaper. Ms. Ortiz came in to the office on Saturday, within the 72 hour window, to add the Public Hearing to the agenda. She emailed the revised agenda, posted it on the Commission building doors, and added it to the Torrance County website. The Commissioners vote; 2 in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED.**

### **Approval of the Consent Agenda:**

Chairman Candelaria asks for a motion to approve the Consent Agenda. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the Consent Agenda. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks if there are any indigent claims; there are two in the amounts of \$100.00 and \$1,525.00. She now asks about furniture items that were bought, (a chair and a shredder) and asks who is responsible for the inventory in each department. Ms. Ansley replies that the Department heads are responsible for the inventory in each department. The only thing the County is required to keep a list of is our fixed assets over \$5,000.00. Madam Commissioner DuCharme asks if one chair is bought, for example, what happens to the old chair. Ms. Ansley replies that it could go to another department that could use it or, if it is broken, it will be thrown away. Electronic items must go through disposition, other small items with values under \$5,000.00 are not required to be traced. No further discussion. The Commissioners vote; all in favor. **MOTION CARRIED.**

### **\*Action Items\***

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

**\*Department Requests/Reports:**

**1. Updates:**

**Ms. Janice Barela, County Treasurer,** speaks. She provides the Commission with two reports: the DPTB-Treasurer-Final Sales Report, (the report from the Tax Sale) and the TC Treasurer's Financial Report Fund Summary.

On June 25<sup>th</sup> the State came and held a land auction. 44 properties in Torrance County were sold for the State cost, penalties and interest, and taxes. These properties sold for a total of \$75,925.00. The County will not receive this amount. The County will receive only the base tax. If a property sold for more than the State cost, penalties and interest, and tax, that additional amount will go to the property owner.

On July 1<sup>st</sup> of each year, the Treasurer sends a delinquent file to the State. The file includes all properties that are delinquent three or more years. This list is used by the State to work for the auction. This year, Ms. Barela turned over the 2012 list to the State. There were 2,873 accounts on that list. Each account has a State cost of \$125.00 added to it. The only way to get a property removed from the list is to have the account paid in full. Madam Commissioner DuCharme asks if property owners have flexibility to pay off their debt. Ms. Barela comments that anybody can come in and make payments at any time but we cannot set up payment arrangements or contracts. Tax payers can work directly with the State to try to work out some kind of payment arrangement. The State tries to do their best to let the property owners know that their property is coming up for auction. Delinquent notices are sent from the County, the State sends out a letter, and the property is red tagged. No one wants land owners to lose their property. Property does not go up for auction until it has been delinquent for three years.

**Steve Guetschow, Planning and Zoning,** speaks. He presents the Commission with a report that Madam Commissioner DuCharme requested. It is a Feasibility Report concerning the adoption of a County Wide Noise Ordinance. Included in the report are two years of documentation for TC Dispatch regarding noise and fireworks complaints. Also included are reports that Mr. Guetschow had done with a decibel reader regarding noise complaints on another issue.

**Madam Commissioner DuCharme** speaks. She wants to inform the community about a very sad situation. There is a husband and wife in our County that needs

help. The husband is in hospice care at home. They live on Marshall Rd. east. This road is apparently a private road and the hospice caregivers are having a very difficult time driving on it. She asks if the County indigent fund can be used to help this family repair this road. No, it cannot. Madam Commissioner DuCharme asks the community to try and help this family. She hopes someone in our community will reach out and help. The person's name is Meryl Whiteman. If anyone in the community wishes to help they can email Madam Commissioner DuCharme at [juliaducharme@TCNM.US](mailto:juliaducharme@TCNM.US) or call her at 505-920-0817. There is a Road Policy workshop scheduled for July 13<sup>th</sup> @ 9:00 here in the Commission room. It is posted on the TC website. Madam Commissioner DuCharme thinks we can do more to advertise this workshop. The website posting is too vague. Also the most current draft of the Road Policy is not on the website. Ms. Ortiz and Ms. Ansley believe the current draft is on the website and will look into this.

**2. Resolution 2015-029 Budget Increase- Tracy Sedillo, Comptroller Ms. Sedillo speaks.** This resolution is for a budget increase in the amount of \$8,502.18. This is the last resolution for fiscal year 2015. There is an increase in the Environmental GRT, the DWI Distribution Grant, and the Debt Service Fund. All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to approve Resolution 2015-029 Budget Increase. Commissioner Frost seconds the motion. No further discussion. All in favor, none opposed. **MOTION CARRIED.**

**3. Memorandum of Understanding between Torrance County & the USDA, Forest Service Cibola National Forest- Steve Guetschow** Mr. Guetschow speaks. This is a Memorandum of Understanding between Torrance County and the USDA Forest Service, Cibola National Forest. The US Forest Service is revising the existing 1985 Cibola Forest Plan as required by the National Forest Management Act. Mr. Guetschow has been participating on the landscape team for the new plan. This MOU is for Torrance County's participation as a cooperating agency in regards to the landscape team, assisting the Forest Service with environmental zoning issues, etc. There are other agencies throughout the County that are also involved including the Estancia Basin Water Authority and the Land Grants, to name a few. Ms. Deirdre Tarr, District Manager of the Claunch Pinto Soil and Water Conservation District, speaks. She is also the point of contact for the Mountainair Ranger District Landscape Team. She stresses that Torrance County's involvement in this plan is very important. All documentation hereto

attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the MOU between Torrance County & the USDA, Forest Service, Cibola National Forest. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme points out that the MOU presented for signing does not state Torrance County as the Cooperator. Ms. Tarr clarifies that once this MOU is passed, the words Torrance County will be added to the document on page 1 before it is signed and the correct Torrance County contact information will be added to page 3. Mr. Guetschow will be the Cooperator Program Contact, and Ms. Ansley will be the Cooperator Administrative Contact. Mr. Wallin further clarifies that this is a template that is being used. Madam Commissioner DuCharme states that the Commission should have been presented with the actual filled out document, not a template. It will be filled out correctly before it is signed. Madam Commissioner DuCharme asks that the participating agencies be listed for the record. Mr. Guetschow states that the participating cooperators will be: Torrance County, Chilili Land Grant, Torreon Land Grant, Tajique Land Grant, Claunch Pinto Water Association, the Estancia Water Association, the State Park Service, the Isleta Pueblo, East Torrance in Edgewood, and Mountainair. Approximately half of the entities have already signed. No further discussion. All in favor, none opposed. **MOTION CARRIED.**

**\*Commission Matters:**

**4. Memorandum of Understanding between Torrance County & the Village of Willard for the Operation of the Willard Fire Department** Ms. Ansley speaks. As the Commission knows, the County agreed to take over the Willard Fire Department. The loan transfer for the fire apparatus has already been approved and the Commission has already signed the Joint Resolution. This MOU has the changes that Willard requested: to lease the real property, including land and building, to the County on July 1, 2015 for \$1 per year, that Willard will donate water to the Fire Department for the purpose of fighting fires, and that Torrance County will pay the utilities used by the County in the building. If the Commission approves this MOU today, it will be presented to Willard's council next week for approval. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the MOU between Torrance County & the Village of Willard for the Operation of the Willard Fire Department. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks if the lease price is locked or if it can be changed. Mr. Wallin replies that it cannot be changed unless both parties agree to a change. It is assumed that the County will maintain the building. There will be an additional lease agreement. Madam Commissioner

DuCharme asks what is in our best interest; should we lease it or demand that we get ownership of the property. Ms. Ansley states that in her opinion, Willard will not grant ownership, we need to agree to the lease. No further discussion. All in favor, none opposed. **MOTION CARRIED.**

**5. FY2016 Contract between Torrance County and Boy Scouts of America, ScOutreach** Ms. Kathy Swope speaks. This contract was presented to the Commission at the last meeting, but needed some changes. Today the revised contract is presented again for approval. The compensation portion had to be revised to reflect an annual compensation amount not to exceed \$32,993.00. All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to approve the FY2016 Contract between Torrance County and Boy Scouts of America, ScOutreach. Commissioner Frost seconds the motion. It is clarified that this is an annual contract and the dates on page 12 will be changed from 2015 to 2016. No further discussion. All in favor, none opposed. **MOTION CARRIED.**

**6. Appreciation Dinner (Banquet) for Torrance County Volunteer Firefighters-** Madam Commissioner DuCharme speaks. Previously, she asked the Commission to think about this idea. She would like to hear the opinions of her fellow Commissioners as well as a legal opinion about this idea. Chairman Candelaria states that he believes there will be an anti-donation issue with doing something like this. Mr. Wallin states that this may not be an anti-donation issue, but there are a myriad of other issues that will need to be considered. Commissioner Frost states that if we do an appreciation dinner for the Fire Fighters, we need to do a dinner for everyone. All County employees are important and deserve to be recognized for their hard work. Chairman Candelaria agrees and suggests that when we have our Safety Potluck, we could include our volunteers. Ms. Ortiz asked the other counties if they do anything like this. She received 12 responses. 10 of the responding counties stated that they do not have any kind of appreciation dinner. 1 county has a dinner and their commission pays for it and 1 county has a dinner that is paid for with donations. After some discussion, Ms. Cheryl Hamm from the Fire Department comments that they have been planning to have a celebration of their own that would include training, games and later an appreciation barbeque. The training would possibly make the event eligible to use Firefighter funds. The Commission agrees to donate \$100 dollars each of their own money to this endeavor. All documentation hereto attached. **NO ACTION, DISCUSSION ONLY**

**7. Infrastructure Capital Improvements Plan, Changes and Process- Annette Ortiz, Leslie Olivas-** Ms. Ortiz speaks. At this time every year, we start working on the ICIP. This is our “wish list” of projects that we would like to have funded by the State. This list is reviewed by the Legislature and the Governor. Ms. Olivas, our Purchasing Director, will now be in charge of the ICIP which is due in September. At this point, we have decided to wipe the plan clean and start fresh. No old projects will be relisted on the plan. Anyone interested in proposing a project needs to make a request. All documentation hereto attached. **NO ACTION, DISCUSSION ONLY**

**8. Discuss Financing of the Proposed Water Project- Art Swenka, EMWT Regional Water Association** Mr. Swenka, President of EMWT, speaks. He reads the following written statement:

**EMWT REGIONAL WATER ASSOCIATION**  
416 5th Street  
Estancia, New Mexico 87016

June 29, 2015

The Board of County Commissioners of Torrance County  
Joy Ansley, County Manager  
205 9th Street  
P.O. Box 48  
Estancia, New Mexico 87016

Re: Funding Proposal, EMWT Regional Water Association

Dear Board of County Commissioners and Manager Ansley,

As you are aware, the EMWT Regional Water Association was formed earlier this year after a multi-year organizing effort; the new Association was organized through a Joint Powers Agreement signed by the cities of Estancia, Moriarty and Willard as well as Torrance County. The Certificate of Association formally creating the new company was filed by the Secretary of State's Office effective October 31, 2014.

The new water Association fills a void in local water planning and infrastructure; currently, there is no unified local government entity managing water resources in the Estancia Basin. Instead there are several small public water systems (including those owned and operated by our members of Estancia, Moriarty, and Willard), systems in and around the Town of Edgewood, and several smaller community and private systems. The fragmented approach that has resulted means that each system competes with the others for water resources, customers and capital funds instead of working together and using the collective influence of all of our members to bring resources to the Estancia Basin and to provide a unified future of our choosing, rather than a reactive future governed by outside influences. EMWT seeks to use its single voice to protect and manage the Basin's valuable resource and to leverage our collective power and influence to achieve results that no single member could achieve by itself. As you are a signatory to the Joint Powers Agreement, you understand the vision and objectives that we seek.

Part and parcel of the objectives of EMWT is a pipeline project which will connect the existing systems in Estancia, Moriarty and Willard and new wells to supplement

the supplies already used to supply the towns. The new infrastructure will not only provide stability to the existing systems, but provide fire protection and a water resource for the entire Estancia basin. Attached to this letter is information concerning the planning infrastructure project which I hope you will review. It was professionally prepared by our contract engineering firm, Forsgren Associates Inc. of Albuquerque.

As a new company, EMWT is necessarily in start-up mode. Notwithstanding, EMWT has nevertheless almost completed its Preliminary Engineering Report, funded through the New Mexico Water Trust Board, and has identified a concrete project to accomplish EMWT's objectives and described above. The Engineer's probable Cost estimate for the project is \$19,381,424 for Phase I; a cost estimate of up to \$135,767,436 has been developed for the proposed region-wide delivery system. Obviously, the project will need substantial grant funds from the State and federal governments, and an effort is already underway to tackle the identified capital needs.

Critical to the success of such a project is the leadership. The Board of Directors of EMWT is active, organized and committed to these objectives. Appointees of Torrance County and the City are among the most knowledgeable and dedicated leaders in the Basin. Since its formation just a few months ago, the Board has met monthly and leveraged all of its human resources to move the company along as quickly as possible.



The generosity of EMW Gas Association has been critical to the early success of EMWT. The Gas Association has graciously supplied its building for Board meetings, and its employees to provide administrative support. The Gas Association provided \$50,000 in start up funds, a large portion of which was used as matching funds for a grant supporting the Preliminary Engineering Report.

Only when the Association has customers, will it be truly independent like EMW Gas. Accordingly, the new water company has applied for several grants with a goal to starting the capital Project. EMWT has *received* a grant of \$50,000 for preparation of the Preliminary Engineering Report for a pipeline to connect the major existing water systems together --- Moriarty, Estancia and Willard. EMWT has been certified to apply for Water Trust Board funds, and future applications to the WTB will seek additional funds for planning and capital expenditures. EMWT has, or will soon apply, for grants through the USDA (proposed pre-planning grant), further funds through the Water Trust Board, and has applied for funds to a company called Spirit Quartz, a company interested in funding major infrastructure as a public service (\$60-135 million). EMWT will continue to identify and aggressively pursue grant funds.

As noted, the new water association is piggy-backing on the efforts of the Gas Association, a very stable and successful multi-jurisdictional entity headquartered in Estancia. The start up funds provided by EMW Gas are now mostly gone, and

additional funds are needed. While Torrance County is a signatory to the Joint Powers Agreement that created EMWT, it has not made a financial contribution to the Association. We hope that you will therefore consider making a contribution of \$35,000 at this time so that EMWT can continue to function during the start-up phase. A contribution would be used to provide operating funds and matching funds as required by grants. EMWT is a completely transparent entity, and all funds will be expended with approval of the Board of Directors in open meetings, and Torrance County can be assured that all expenditures will be fully accounted for and the books will be open at all times to inspection by Torrance County. We are confident that the professional staff at EMW Gas will ensure that all funds are handled appropriately and consistent with all applicable laws and regulations governing quasi-public entities in New Mexico.

We appreciate your consideration of this very important request. Please do not hesitate to give me a call if you have any questions or concerns.

Regards:



Art Swenka

Chairman

EMWT Regional Water Association

Mr. Swenka notes that the Association applied for a 501C3; it will be a non-profit water company.

Commissioner Frost asks if and when the pipeline is completed to hook the towns together, will people along Hwy 41 be able to tap into it, and how far away could they be and still tap in. Mr. Swenka answers that yes people in McIntosh, for example, could tap into the line. Entities who wanted to tap into the pipeline would have to form a water district. The district would be non-profit and would need to apply for grants and sell hook-up fees coming from their area to the pipeline. This is how it would work for outlying areas. Tajiue, for example, would have to form its own water district and pay for its own line to tap into the main pipeline; the same with McIntosh.

Chairman Candelaria comments that it will be very important for the County to allow people to hook up to the pipeline and to prove 'beneficial use'. If the County or the entities cannot prove 'Beneficial Use' to the State Engineers office, other big municipalities can. It is important for us to combine our efforts to prove that this is good for the public welfare.

The State Engineer told Mr. Swenka that it was good that the infrastructure was being built prior to acquiring the water.

Madam Commissioner DuCharme asks about the water source. Mr. Swenka states that the water will not only come from one source, such as Willard, but will come from many sources. People could sell their water rights to the EMWT.

Madam Commissioner DuCharme asks about Spirit Quartz; what is their interest. Mr. Swenka explains that Spirit Quartz is a world investor. They have some sort of charter with the US that requires them to do a certain amount of non-profit donating in order to continue to invest in the US. Madam Commissioner DuCharme asks if people who do not want to participate in the pipeline will ever be forced to give up their well and participate. Mr. Swenka answers that he does not foresee anyone being forced to join, however in the future it may be easier for someone to join rather than continue to pay to maintain their private well.

Commissioner Frost asks about people who irrigate their crops. If those people sold their water rights, they would no longer be able to irrigate their crops. Mr. Swenka agrees with this statement. Madam Commissioner DuCharme asks Mr. Swenka, if you buy most of the water rights, can't you become a monopoly? Mr. Swenka answers that this would be a publicly owned company; owned by the municipalities and the County. He does not think the public would allow a monopoly. Mr. Swenka is thanked for his presentation. **NO ACTION, DISCUSSION ONLY**

**9. Contract between Torrance County and Estancia Valley Economic Development Association** Ms. Myra Pancrazio speaks. Ms. Pancrazio introduces EVEDA Chair Ms. Betty Cabber, Vice-Chair David Tixier, and Secretary Steve Jones. Ms. Pancrazio presents the Commission with the EVEDA Bi-Annual Report 2015. (This report is located in the file for this meeting.) The report contains a project overview, activity/finances, EVEDA membership, and a list of active projects and completed projects. Ms. Pancrazio talks about some of the main projects that EVEDA is involved in, namely Titan/Google, The Moriarty Municipal Airport, medical facilities, the El Cabo wind project, two major housing and inclusive living development companies, and much more. In the Professional Services agreement that is being presented for approval today, EVEDA is asking for \$25,000.00; an increase of \$5,000.00 over last year. Mr. Tixier thanks the Commission for their continued support. Ms. Cabber comments that they are all very proud of having Google here. She also comments that developing a trained workforce here in the valley is critical. She is glad to see that EVEDA and the EVFEED foundation are currently working on public/private opportunities for STEM Curriculum in our rural public schools. All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion approve the Contract between Torrance County and the Estancia Valley Economic Development Association. Commissioner Frost seconds the motion. Commissioner Frost asks for clarification that the contract would be in the amount of \$25,000.00. It will. Madam Commissioner DuCharme asks if Ms. Pancrazio has read the contract. She has. Madam Commissioner DuCharme asks if there is a conflict of interest because Commissioner Frost is on the EVEDA Board. The agreement states:

IV. Conflict of Interest. No officer or employee of the County or member of the County Commissioners, and no employee of EVEDA, or member of EVEDA's Board of Directors, and no person who exercises any functions or responsibilities, in the review or approval of the undertaking or the carrying out of this agreement, shall participate in any decision relating to this agreement which is prohibited by law. Employees and members of EVEDA's Board of Directors shall disclose any conflict of interest with any economic development project or activity conducted by EVEDA on behalf of the County.

Ms. Pancrazio states that the LEDA (Local Economic Development Association) ordinance stipulates that a Commissioner will sit on the Board for EVEDA. When a Commissioner or other Elected Official sits on the EVEDA Board, they must sign a conflict of interest form stating that if there is any conflict with the decisions being made, they will to recuse themselves; this is for the Commissioner or Elected Official to decide if there is a conflict. They must also sign a commitment letter that states that they are committed to the organization and committed to economic

development. Torrance County signed a commitment letter to the Governors Office in 2013 stating that the Commission is dedicated to economic development and would participate in economic development. Mr. Wallin states that his legal opinion on this issue is that Commissioner Frost can vote on this agreement. Whether Commissioner Frost believes he needs to recuse himself or not is up to him. Commissioner Frost comments that his interest is for the good of the County. EVEDA makes a lot of money for the County. His interest would be to help the County, not to harm it. With that, he will not recuse himself. Madam Commissioner DuCharme now states that she sees that Ms. Pancrazio's work is very important to the County. However, she has a problem with contributing an additional \$5,000.00. Her priority is the Sheriff's Department; when we fix that, then she can think about other areas. She agrees to \$20,000.00, Not \$25,000.00 No further discussion. The Commission votes; Two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

**10. Master Vehicle Use Agreement between Torrance County and Presbyterian Medical Services**

Ms. Cheri Nipp, Regional Director Presbyterian Medical Services, speaks. Since approximately 2002, PMS and Torrance County have had a bit of a gentleman's agreement in terms of how some things were handled. PMS has to have better checks and balances; better documentation. Today, Ms. Nipp is presenting the Master Vehicle Use Agreement between Torrance County and PMS. No exchange of money is involved in this agreement. The agreement states, among other things, that 'vehicles were purchased through a legislative appropriation for use by PMS with acquisition funds flowing through the County and therefore, the vehicles are considered the property of County for audit and inventory purposes'. The agreement details how PMS uses these vehicles and how they will maintain the vehicles. The following verbiage has been added by the County attorney to the agreement:

Insurance.....As between the parties, each party will be responsible for liability arising from personal injury or damage to people or property occasioned by its agents or employees in the performance of this agreement, subject in all cases to the immunities and limitations of the New Mexico Tort Claims Act (Section 410-401, et seq. NMSA 1978)

Ms. Nipp notes that PMS is accepting of this addition.

All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to approve the Master Vehicle Use Agreement between Torrance County and Presbyterian Medical Services. Commissioner Frost seconds the motion. Madam Commissioner DuCharme states that the agreement states that the parties shall attach as an exhibit to this Master Use Agreement an inventory List describing each vehicle and equipment subject to this agreement. There is no inventory list attached. Ms. Nipp comments that they have this list and can present it and add it to the agreement; there are three cars, one van, and one handicap accessible van. Madam Commissioner DuCharme again brings up the issue of a possible conflict of interest as Commissioner Frost is an employee of PMS. Commissioner Frost states that as he is an employee of PMS, he will recuse himself from voting on this item. No further discussion. The Commissioners vote. Two in favor, Commissioner Frost has recused himself. **MOTION CARRIED.**

**11. Management & Service Agreement for Senior Centers with Presbyterian Medical Services** Ms. Nipp speaks. The County owns three properties commonly know as “Torrance County Senior Program-Estancia, Torrance County Senior Program- Moriarty, and Torrance County Senior Program- Mountainair.” The County has allowed the use of these properties and buildings for providing Torrance County and surrounding communities’ senior services for Torrance County citizens. The agreement states that Torrance County grants PMS rights of use and occupancy of these facilities in order to provide these senior services. Ms. Nipp points out that PMS has listed their main office of operations for the Senior Programs as Torrance County Senior Center-Estancia. Mr. Wallin suggested an addition to the agreement under County’s liability and Insurance; ‘Nothing contained herein shall be deemed to waive the Countys’ immunities and limitations of liability pursuant to the NM Tort Claims Act (Section 410-401, et seq. NMSA 1978). PMS agrees to this addition. Ms. Nipp also states that they will be looking at the buildings in terms of possible additions to the ICIP. Lastly, Ms. Nipp notes that the agreement also states that PMS will be responsible for the maintenance, upkeep and snow removal of the parking lot and all sidewalks and other areas adjacent to the premises. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the Management & Service Agreement for Senior Centers with Presbyterian Medical Services. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme refers to 10. G That there is reserved to County, through the person of the County Manager or his designee the right to enter upon any premises occupied by Manager (PMS) at any time for the purpose of making and inspection of the same. She asks if it is necessary to add to the agreement that the Commissioners can enter the

premises at any time for the purpose of inspection. Mr. Wallin states that it is inherently understood that, as the County Manager is the designee of the Commission, that the Commission would also be allowed to do inspections. Ms. Nipp adds that at any time, any one is welcome to come visit the centers. Chairman Candelaria comments that he has visited the centers many times and has always been welcome. No further discussion. The Commissioners vote. Two in favor, Commissioner Frost recuses himself. **MOTION CARRIED.**

**12. Fair Board Interviews & Appointment** Ms. Ansley speaks. The County received a letter of interest for the remaining Fair Board position from Mr. Will Neish. He is in attendance at today's meeting and comes to the podium to introduce himself. He has been a resident of Torrance County for over 20 years. He has been involved in the Fair for most of his life, first as an exhibitor and now as a parent of exhibitors. He has a tremendous amount of respect for several current members of the Board and thinks this would be a very good time to be involved. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to appoint Mr. Will Neish to the Fair Board. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor none opposed. **MOTION CARRIED.**

**13. Estancia Basin Water Planning Committee Interview & Appointment** Ms. Ansley speaks. She has advertised for letters of interest for this board four times and has had no responses. The Commissioners will think of names for the Commission to consider and approach with this opportunity. The Commission needs to appoint one more person to this board. 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.**

**14. Schedule CCA Inspection** Ms. Ansley speaks. As was discussed at the last meeting, the Commission is supposed to be conducting bi-annual inspections of the jail facility, even though it is privately owned and operated. Ms. Ansley introduces the CCA Warden, Mr. Chad Miller. He gives a brief summary of his career and states that he would be happy to give the Commission a tour of the facility. Mr. Tom Alsip from the facility's corporate office would like to be in attendance for this inspection. He is available July 21 or July 22. Mr. Wallin states that if there is a quorum it does have to be noticed, but because this is a statutory requirement and

a jail inspection, the public may not be invited. The County Attorney may be in attendance. Chairman Candelaria will not be attending and Commissioner Frost is not available on July 21 or 22. Ms. Ansley will talk with Mr. Alsip and Mr. Miller to coordinate another possible date. **NO ACTION, DISCUSSION ONLY**

**15. Ratification of Contract Extension with DFL Associates for DOH**

**Funding.** Ms. Ansley speaks. This contract is an extension for the Health Council grant that was received in 2014. The County received \$5,000.00 for the Health Council to develop a Community Health Assessment. They were not able to perform the assessment in the allotted time so we extended the contract until June 30, 2015. In the process, DOH allocated an additional \$1250.00 to the assessment. This contract extension will allow the encompassing of the additional funds. As it was the end of the fiscal year, Ms. Ansley signed the extension and asks that it be ratified today. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to ratify the Contract Extension with DFL Associates for DOH Funding. Chairman Candelaria seconds the motion. The Commissioners vote. All in favor none opposed. **MOTION CARRIED.**

**16. Contract for Fair Board Secretary** Ms. Ansley speaks. This is the annual contract renewal for Chelsea Riley, the Fair Board Secretary. Ms. Ansley sent this contract out last week to the President, Vice-President and Secretary to see if they had any additions, changes, or comments concerning the contract. She informed them that they needed to get back to her by today. She has not heard back from anyone. Her contract expired on June 30, 2015. The Commission needs to consider renewing her contract. All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to renew the Contract for the Fair Board Secretary. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks why Ms. Riley is not present today. Ms. Ansley asks why she needs to be here today, DFL Associates did not need to be present for the previous contract extension. Madam Commissioner DuCharme replies because the County pays her money. Ms. Riley's presence was not required by the Commission. Madam Commissioner DuCharme asks Ms. Ansley what her relationship is to Ms. Riley. Ms. Ansley replies that she has no relationship to her; their kids rodeo together. Madam Commissioner DuCharme states that they have the same last name; are they related. Ms. Ansley replies that they do not have the same last name and are not related. Madam Commissioner DuCharme asks if the Commission should be going out for bid on this contract. Ms. Olivas, Purchasing Director states that this is considered a small purchase and we do not need to bid it out. Mr.

Wallin points out that the initial contract was publicized with requests for applications. Commissioner Frost calls for the question. The Commissioners vote. Two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED.**

**17. Discussion of Lease Agreement for Radio Station** Ms. Ansley speaks. This has been an on-going issue for a while; this may be a first step in the right direction towards trying to solve some anti-donation issues. Years ago the County tried to organize the radio station along with the KXNM Community Foundation. At that time, it was decided that it would be easier if the KXNM Community Foundation formed its own 501C3 and moved forward with the radio station on their own. The building had been given to the County for the purpose of the radio station. The County gave it back. The County does have some agreements with the Radio station. We pay them money for the broadcast of the Commission meetings and the P&Z meetings, etc. The Radio station received a severance tax bond appropriation in 2014. They have been unable to use this funding because they are a 501C3. The funding has to go to a governmental entity, like Torrance County. The County needs to have some sort of a lease agreement with the radio station in order for them to access and use the funds. Any equipment that is purchased has to be owned by the County and leased by the radio station. Mr. Swenka has been working on this and came up with a lease agreement. Included in the Commission packet, are the letters we have received from DFA indicating the anti-donation problems. The Master Lease Agreement does not specify the equipment and it does not specify the details of the lease, it's just a basic agreement that we want to look at moving forward. We want to identify specific equipment and a lease amount by an exhibit or an attachment. This would be a way for us to move so that the radio station could access the money that has been appropriated to them. 2016 is the deadline for the appropriation. The amount of the appropriation is \$40,000.00. Chairman Candelaria comments about what a positive impact the radio station has had on our community. We need to move forward on this so we do not lose this money. Mr. Swenka comments that the County may be looking at expanding the Animal Shelter kennel. The radio station could lease this space. The radio station could also charge for parking County vehicles on their property, etc. Fair market value needs to be determined for the space. This will end up being a good deal for both the County and the Radio station. There is also the prospect in the future of the County taking over the station. It may be possible that the County could obtain legislative funds if it took over the station. It may also be possible that County employees could take over some of the duties of running the station, but this would be at some time in the future. Determining the fair market value of the property



will be the next step. All documentation hereto attached. **NO ACTION, DISCUSSION ONLY**

**18. Update** Ms. Ansley presents the following written report:

Manager's Report  
July 8, 2015

1. The existing GO Bond for the judicial complex expires in August 2016. If you'll recall, we had previously spoken about extending that bond to improve road infrastructure. If we want to stick to that goal, we need to get a financial advisor on board, to educate us and help with the process. If there are no objections, I'd like to advertise for a financial advisor for this purpose.
2. I've had a few requests for building improvements at county buildings; one is for an awning structure at the evidence drop box outside the DA's office. With no shelter, the box often fills with water and saturates the evidence that's dropped there. Another is for the women's restroom at the Moriarty Senior Center, which needs to be remodeled. At the animal shelter, they'd like to construct a small, simple addition to the south, to make a cat room. We have a 2013 legislative appropriation, to improve county buildings. I'd like to start the process towards using some of that money for these projects. This money could also be used for the air conditioner installation in the voting machine building.
3. Work session for the proposed Road Policy will be Monday, July 13, at 9:00 a.m. Annette suggested putting the policy on the big screen and going through it, paragraph by paragraph. Is that something the Commission is interested in doing?
4. As we've previously mentioned, Torrance County was awarded a CDBG planning grant for updating our comprehensive plan. The application was submitted in 2013, and it was approved last month. We received a letter from DFA, indicating that we need a fiscal agent to administer the funding for us, due to an audit finding in 2014, related to certified payrolls from the contractor that was fired. I'm working with the COG to set up a meeting to discuss their role as a potential fiscal agent for this funding.

At this time, Ms. Annette Ortiz, Deputy County Manager reads the following written statement:

Commissioners,

In the last few meetings I have heard comments made, mostly from Commissioner DuCharme, about the employees of Torrance County that I feel, along with our Elected Officials, I need to address. We have an amazing bunch of employees who are employed with Torrance County, notice I said work with not for. Our employees work with us every day, to ensure Torrance County's day-to-day operations are kept up, in compliance with Policies and Procedures and Regulations and Laws. You may not see every single day they are here, but I assure you they are dedicated, loyal, and intelligent people. Some have worked here for 20+ years, they've experienced layoffs, cuts in hours, years without raises; they are resilient in changes in leadership, they are tough, and they are needed. When you place more value to one department over any other, it takes effect, it has a trickle-down effect. Employees begin to question their worth. Well I am here today to speak against ANYONE who mentions that they are paid enough, get great benefits, or "STAY IN GREAT HOTELS" and say that they do not DESERVE anything more than that. Every team member is needed, and as was stated earlier in the meeting by EVEDA – getting and keeping staff to work in and with Torrance County, has been and still does prove to be quite difficult. Employees can drive a short distance to a surrounding municipality and make more money, or drive a little further to a surrounding county and make more money – to start – than what we pay staff – even after having worked here for five (5) years. We need our team. Each employee is our investment. There is not one staff member who is more important than the other. Keeping the County safe is important but where would we be without the Dispatchers who (work varied hours and schedules) to dispatch them; where would we be without the Road Department, who by the way – work sometimes 18-24 hours during a bad snow storm; to get the roads passable. Where would we be without the Assessor, whose staff works so hard to build the County coffers, or the Treasurer's office who accounts for those tax dollars. Where would we be without the dedicated staff in the Clerk's office, who run elections, record our deeds, and take Commission minutes? Where would we be without Planning & Zoning, Animal Shelter, Emergency Manager, Project office and other departments I fail to mention? Take a moment to really think about that. From Maintenance Department/Janitor who keeps the buildings clean, operating and even keeping weeds cut so as to keep us snake bite free – to Finance and Manager's office, who make sure we're in compliance, conscious spending and get everyone including you Commissioner's paid. Everyone is important, everyone is needed, and every single employee deserves a standing ovation. We trust our Employees, Department Heads and Elected Officials. I am not sure where the mistrust has come in, when we've not been given any reason to doubt employees.

Please heed my warning, open your eyes to the fact that ALL of the Torrance County Team is in fact instrumental and paramount to the day to day operation of your County, because if you continue on with comments that drag morale down and comments questioning their integrity, these wonderful employees will leave. Thank you.

**\*2015-2016 Operating Budget Hearing:** The Commission will hold a budget hearing pertaining to the 2015-2016 Operating Budget.

A. Resolution 2015-030 2015-2016 Budget Adoption

**Ms. Sedillo, Comptroller,** speaks. At the end of the hearing, the Commission can decide whether they would like to approve the resolution today or not. Ms. Sedillo sent an email to all the Departments asking who would like to address the Commission today in this hearing. Today, the Commission will hear from: The Assessor's Office, the Clerk's Office, the Manager's Office, the Purchasing Department, the Road Department, and the Sheriff's Office.

**Betty Cabber, County Assessor,** speaks. She is asking the Commission to fund an additional position in her office- an Ag/Land Appraiser. The approximate cost for this position is \$26,500.00. As she stated in her Annual report in April, vacant land and special method of valuation (ag) have been ignored for ten years and we have lost approximately \$750,000 to \$1.0 million dollars in valuations because of the lack of knowledgeable staff to be in the field to keep up with the reassessments and use of the land. Her office will be able to be more accurate in their assessment process and current and correct in their assessments. They can recoup the nearly \$1.0 million dollars by correctly valuing land and most likely more with one appraiser working on land values. If this request is not approved, her office will most likely continue to not be maximizing and fairly valuing all properties in the County. Correct values would benefit all property owners in the County as everyone would be paying their fair share and the tax rates should go down. She also reads the following written statement:

2015-2016 BUDGET

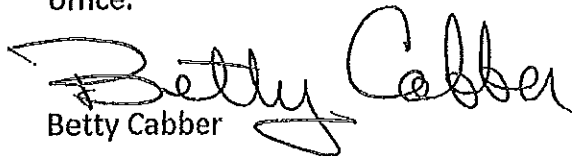
ASSESSOR'S OFFICE

Under my Additional Staff Request for Ag/Land Appraiser, it would be an additional \$26,500 added to my 401 General Fund Budget, because I will take the Appraisers' incentive that they now receive upon completion of courses to become Certified IAAO Appraisers from the 401 Budget to the 610 Budget.

I also have to have a Re-Appraisal Clerk for many of the same reasons I have stated for needing another appraiser and I will fund this Clerk position totally out of the 610 Budget.

I believe that with this additional Staff, my department will be able to meet goals and responsibilities set forth by the State Tax and Revenue Department, meet the needs of Torrance County and serve the property owners and taxpayers of Torrance County with a more fair and equitable balance in property taxes.

Please see attached a copy of my presentation to you in April voicing my concerns and needs to accomplish the goals of the Torrance County Assessor's office.

  
Betty Cabber

Torrance County Assessor

**Linda Jaramillo, County Clerk**, speaks. She is requesting a cooling system for her voting machine warehouse. She reads the following written statement:

June 30, 2015

Re: Torrance County Commissioners  
Budget Hearing Capital Outlay Request  
Cooling system for Voting Machine Warehouse

Dear Commissioners,

The 2016 Primary and General Election process will begin soon. This fiscal year's fiscal budget will cover our Primary Election on June 7, 2016. June 7<sup>th</sup> is Election Day but preparation for this begins as early as January when the Primary Election Proclamation is made. May is a busy month with much of this time spent in the Voting Machine Warehouse preparing, testing and programming voting machines with

absentee voting and early voting machines being programmed first and all other machines for use in our elections to follow. These machines must be programmed to perfection for a successful election.

May and June temperatures can be extremely hot and conditions in the warehouse can be extremely uncomfortable for myself, Linda Kayser, my voting machine technicians and all other employees in my office who help prepare for elections. There is also the preparation of ballot boxes, voting booths and Election Day materials which must be done to perfection for a successful election. All machines and all election supplies are housed in the Voting Machine Warehouse.

I also am responsible for running our three School District Elections which are held in February of the odd numbered years, and I also supply voting machines for all our Municipal Elections held in March of odd numbered years. I supply voting machines for the Soil and Water Conservation District Elections, run all Special Elections and Recall Elections which may be called.

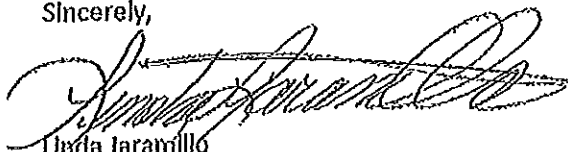
It is a great responsibility that I take on during elections and a great service to our Torrance County voters to ensure that their votes are accurately counted, that all materials are at their polling place for any situation that might occur during Election Day and that I have backup plans for any emergencies that might come up. This all requires the help of my Deputy, Linda Kayser, my voting machine technicians and staff who will be working in the warehouse for two months in the heat of May and June because there is still the aftermath of Elections which requires that all machines and materials be put back in order in preparation of the General Election which will soon follow. In all elections the public, School Superintendents, Magistrate Judges, District Judges and our County Attorney may be present to witness the programming of our voting machines in our warehouse. Moreover, the Secretary of State

periodically sends staff to test our voting machines. They were here just last week and with the moving of voting machines for access the heat became quite uncomfortable for them.

I ask the County Commissioners to consider paying for a cooling system out of the General Fund for my Voting Machine Warehouse for all the reasons above. It is only logical and fair that we have not only heating for our winter elections but also cooling for our summer elections. All other employees of the county have this privilege. I hope to be here for another term and would like to have the comfort of running future elections with the deserved privilege of working in a stress-free temperature controlled environment for myself and all those who help me in running elections for our County and for all future clerks for many years to come. It will be a one-time cost.

Attached you will find the only quotes I could acquire and the Capital Outlay request form. Also a copy of this letter, quotes and request form were sent to Tracy Sedillo, Comptroller, at her request to be presented at our budget hearing and for scheduling for all departments to be heard.

Sincerely,



Linda Jaramillo  
Torrance County Clerk

The cost of the cooling system is approximately \$7,000.00 to \$9,000.00. Ms. Jaramillo has been networking with her fellow Clerks around the State and has acquired some equipment that her office needed for free, saving the County approximately \$27,900.00. Ms. Jaramillo is sincerely thanked for her cost saving efforts. Ms. Ansley comments that she and Ms. Jaramillo have been discussing this purchase. Ms. Ansley believes this cooling system can be paid for with funds from our severance tax bond appropriation. So, rather than asking the Commission to fund this, Ms. Ansley would like to review the quotes and move forward with this purchase.

**Joy Ansley, County Manager**, speaks. She is not asking for funds for the Manager's Office at this time. However some changes are coming. Ms. Sedillo, Comptroller, will be leaving her position and moving to the Treasurer's Office as the new Deputy Treasurer. Ms. Ansley is working on some restructuring. As she stated in her Manager's report, the existing GO Bond for the Judicial Complex expires in August 2016. She would like to put some money aside to get a financial advisor on board at some point in the future to help us move forward with those bond issues. Also, her office has been working on the employees insurance benefits packages. We have an RFP out; we want to contract with a broker who can try to negotiate a better deal for the employees. We will need funds to pay for that broker. And if the broker can get us a better deal, we are going to need funds to buy out of the State's plan. Ms. Ansley estimates that we will need to earmark approximately \$100,000.00 to accomplish these goals.

**Leslie Olivas, Purchasing Director**, speaks. She is requesting that the Commission consider funding a Purchasing Clerk to assist her in her daily duties. The approximate cost for this new hire would be between \$28,800.00-\$41,283.00. Ms. Ansley comments that she did not know about this request and perhaps this request can be discussed as part of her office's restructuring. Chairman Candelaria comments about the important responsibility Ms. Olivas has taken on for the County. He also applauds Ms. Ansley's Office's efforts to restructure their office to the benefit their employees.

**Mr. Leonard Lujan, Road Department Foreman**, speaks. He is here to request funds for a new loader and a new backhoe. The loader they have is a 1994 model and the backhoe is a 1991 model. The maintenance on this equipment is starting to cost more than their budget can handle. The requested amount is \$246,753.63 for the loader and \$86,931 for the backhoe. These could be leased.

He is also requesting funds to chip seal 1 mile of Heritage Road because the road was torn up when the water lines were put in for Google. The requested amount for

this repair is \$50,000.00. Ms. Ansley comments that capital outlay GRT funds could be used to pay for this repair. Madam Commissioner DuCharme asks about an agreement that was signed to repair this road. Mr. Lujan replies that the money was moved to repair another road, Appaloosa Rd. Now there is no funding to repair this road. Madam Commissioner asks why the road was not repaired when there was a promise to repair it. Mr. Lujan and Ms. Ansley reply that they will repair the road and honor the agreement. They are asking for funds to complete this; they do not want to pull money from the repair of another road.

**Ms. Sedillo, Comptroller**, speaks. No one from the Sheriff's Office is available right now to present their request so Ms. Sedillo states that they are asking for an additional Deputy. The written request for the Sheriff's office is asking for \$48,000.00. She clarifies for the Commission that adding a new Deputy will actually cost around \$100,000.00 for the first year, and then of course salary and benefits would continue after that.

Ms. Sedillo comments that there are also repairs that need to be done through-out the building. The parking lot needs work, the carpets and floor tiles need replacing, etc. For the staff and people who work here every day please consider these much needed repairs.

Based on today's requests, Ms. Sedillo presents the Commission with an updated draft recap of the proposed budget which includes the \$25,000 for EVEDA. She suggests that the Commission could fund the request from the Assessor's Office for a new hire and from the Sheriff's Office for a new Deputy. The earmark request from the County Manager and the request from the Road Department could come from the Wind PILT fund and the Clerks request will come from the severance tax bond appropriation. Most likely capital outlay funds will be used to fund the repair to Heritage Road. The request for a Purchasing Clerk will be considered during the restructuring of the Manager's Office. The EMWT request will be reviewed later. The deadline for budget submission is July 31<sup>st</sup> to DFA. It has to be adopted by resolution. The July 22<sup>nd</sup> Commission meeting would be the last opportunity to do this.

All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to table approval of Resolution 2015-030 2015-2016 Budget Adoption until the July 22<sup>nd</sup> Commission meeting. Madam Commissioner DuCharme seconds the motion. The Commissioners vote. All in favor none opposed. **ITEM TABLED.**

**\* Public Hearing:**

The Commission will hold a Public Hearing to consider the renewal of a Solid Waste Management Permit allowing Keers Industries, LLC dba Keers Environmental & Special Waste Disposal to operate an asbestos landfill facility. The property is located within the North one half of Section 19 and within the Northwest quarter of Section 20, Township 2 North, Range 8 East, NMPM. At 91 Liberty Valley Road.

- A. Renewal of a Solid Waste Management Permit allowing Keers Industries, LLC dba Keers Environmental & Special Waste Disposal to operate an asbestos landfill facility.

Mr. Adrian Montano, from Keers Industries, speaks. They are seeking renewal for their permit to continue to operate as they have for the last two and one half decades. They recently received their permit from the State to operate as well. Mr. Wallin states that the P&Z Board has sent this to the Commission with a recommendation of 'Do Pass'. This is under the Zoning Ordinance, Section 15. Keers must come in every year for renewal of this Special Use Solid Waste Permit. The Commission reviews the application and the recommendation from P&Z and take any public comment. This renewal can only be denied pursuant to Section D5 if there is a misrepresentation or omission of a relevant fact or if there has been any failure by Keers to comply with any State, County, or Federal laws pertaining to Solid Waste. Mr. Wallin further comments that to our knowledge, there has been no failure on the part of Keers to comply with any regulations. Mr. Guetschow comments that Keers has supplied P&Z with all of their State inspection records for this year. Chairman Candelaria asks if there is anyone present who would like to speak either in favor or against this application. There is no one. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Renewal of a Solid Waste Management Permit allowing Keers Industries, LLC dba Keers Environmental & Special Waste Disposal to operate an asbestos landfill facility. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme comments that she has not studied this document so she will abstain. The Commissioners vote. Two in favor, Madam Commissioner DuCharme abstains. **MOTION CARRIED**

**Public Requests:** At the Discretion of the Commission Chair. For Information Only (**No Action Can Be Taken**). Comments are limited to five (5) minutes per person on any subject.

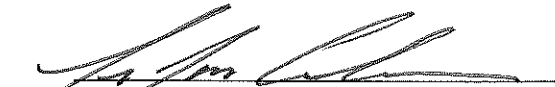
**No Public Requests today.**




**\*Adjourn**

**ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to adjourn the July 8, 2015 Commission Meeting. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor none opposed.

**MOTION CARRIED.** Meeting adjourned at 1:35 pm

  
Chairman Candelaria

  
Michelle Jones, Clerical

7/22/15  
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.**