

Final Copy
Torrance County Board of Commissioners
Commission Meeting
August 12, 2015

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

Others Present: **Joy Ansley-County Manager**
 Brandon Huss-County Attorney
 Michelle Jones -Clerical

9:00 am. At the last Commission meeting, the July 29th Special Commission meeting, the Commission went into Executive Session and did not reconvene. Today the Commission briefly discusses whether more deliberation in Executive Session is needed. They agree that no more deliberation is needed and reconvene from Executive Session.

***Reconvene from Executive Session**

ACTION TAKEN: Chairman Candelaria 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 9:02 am.

Mr. Brandon Huss, County Attorney, speaks. At the close of the last meeting, Chairman Candelaria requested that Mr. Huss and Ms. Ansley, County Manager, attempt to work with the appellants and the landowners to see if there was some way to come up with a compromise. He was contacted by the landowners who requested a meeting; Mr. Huss and Ms. Ansley met with the landowners on Monday, August 10th at 11:00 am and Mr. Huss's office. They appeared and discuss some options that they thought were available for negotiating. Mr. Huss further states that he made the appellants aware of the meeting and they informed him that they did not want to participate. Mr. Huss offered to have a follow-up meeting should they so desire and he was not contacted regarding that request

either. Mr. Huss states that, with that, he does not think it would be appropriate to put into the record any of the proposals or ideas that were discussed with the landowners because he and Ms. Ansley did not have standing to make any kind of deal, this wasn't our appeal, it is the appeal of the neighbors. The appellees were there for the meeting, but no deal could be made.

ACTION TAKEN: Chairman Candelaria makes a motion to deny the appeal of the Planning and Zoning Coordinator's interpretation of the Torrance County Zoning Ordinance, and to affirm Mr. Guetschow's decision with regards to the Medical Marijuana facility in Loma Parda. Commissioner Frost seconds the motion. Commission Frost states that personally he is against marijuana although he knows medical marijuana is a different subject; it is the same as many other drugs that can be legal and are also treated in the wrong way many times. He states that he knows that this issue could end up in court and he knows that the County has to be responsible for whatever that decision might be financially. This is not a cut and dry deal either way. Madam Commissioner DuCharme refers to the Torrance County Zoning Ordinance, page 9 Section 8.0 Conservation District (C), which states, among other things:

Commercial uses will not be allowed except on a case by case basis in which the primary concern of the Zoning Commission will be to minimize the environmental impact on the area.

She now refers to page 56 of the Ordinance, Section 21. Conditional Use Permits, A. Approval and Permit Required, which states, among other things:

Conditional uses established by this Ordinance shall not be allowed without the review and approval of the Zoning Commission...

Madam Commission DuCharme states that she is not convinced that it is not commercial use. She further states that JBM formed a business; she assumes it is a partnership. In one of the statutes it says that partnership means an association of two or more persons to carry on as co-owners of a business for profit. She tells JBM that they admitted they have employees working on the property; they admitted that it is not for personal use. She asks what kind of use is it if it is not personal, is it educational or charitable. She states that she is convinced that it is commercial use and she thinks that the ordinance was interpreted incorrectly.

Chairman Candelaria states that he feels that Mr. Guetschow acted with the information that was provided to him by the ordinance and that he did interpret the ordinance in the way that was right for him to interpret it. He further states that the only ruling before the Commission was to decide whether the ordinance was

interpreted in the right way or not. Chairman Candelaria states that in his opinion, it was. The beauty of this County is that if they, (the appellees), don't feel that we, (the Commission), did the right thing- the court system is there to make a decision.

Lastly, Commissioner Frost states that he would agree that Mr. Guetschow did this as he interpreted his duty. He states that there was an attempt made for some give and take on this issue, and maybe somewhere down the road that can still happen.

No further discussion. Chairman Candelaria asks for a Roll Call Vote. Roll Call Vote: District 1 Yes, District 2 No, District 3 Yes. **MOTION CARRIED.**

With this action, the July 29th Special Commission Meeting is adjourned.

Call Meeting to Order:

Chairman Candelaria calls the August 12, 2015 meeting to order at 9:11 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 July 22, 2015 Regular Meeting Minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the July 22, 2015 Regular Meeting Minutes. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks for an addition to the minutes. On Page 12 of the minutes, under item #13. **Precinct 7 Polling Place Relocation**, the minutes state, among other things, " Madam Commissioner DuCharme states that she has heard concerns from the senior citizens at this center (McIntosh) about the increased amount of electricity and cooling that will be used on election days. The seniors pay the utilities for this County building, but pay no rent for its use." Madam Commission DuCharme would like the minutes to clearly reflect that fact that she stated, 'that she has heard concerns from the senior citizens at this center about the increased amount of electricity and cooling that will be used on election days', but she did **not** state that 'The seniors pay the utilities for this County building, but pay no rent for its use'. The minutes will be updated to clarify that Ms. Ortiz, Deputy County Manager made that statement. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the July 29, 2015 Special Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the July 29, 2015 Special Meeting Minutes. Madam Commissioner DuCharme 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. Chairman Candelaria asks for a motion to approve the Consent Agenda. **ACTION TAKEN:** Chairman Candelaria makes a motion to approve the Consent Agenda. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks about a payment to the Mid-Region Council of Governments for Membership dues in the amount of \$5,951.00. This is an annual payment. She states that we just paid this a few months ago. Chairman Candelaria states that the payment a few months ago was for 2015. The payment today is for 2016. Madam Commissioner DuCharme asks if we paid the 2015 dues late. Ms. Ansley comments that she will look into this. Madam Commissioner DuCharme now asks about two payments to the NM Association of Counties, both in the amount of \$14,265.00. Ms. Ansley answers that this was an error. The County accidentally paid these participation fees twice; the NMAC is sending one of the checks back. The Commissioners vote; all in favor, none opposed **MOTION CARRIED.**

Approval of the Indigent Claims. Chairman Candelaria asks if there were any indigent claims; Ms. Ansley replies there is one and the payment amount will be \$4,000.00. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Indigent Claim. Chairman Candelaria seconds the motion. Chairman Candelaria states for all present that the reason the amount of the indigent claim is not posted is because the information of who receives the assistance is protected under HIPAA. The Commissioners vote; all in favor, none opposed **MOTION CARRIED.**

Action Items

Items to Be Considered and Acted Upon

**Department Requests/Reports:*

1. Updates:

Betty Cabber, County Assessor, speaks. She informs the Commission that they are going to begin their reappraisal of the County. They are going to begin in Encino next week. This is the reappraisal process that needs to be done every 5 years. They also plan to do Willard this year and will begin working on the bigger towns next year.

Ms. Cabber also reminds the Commission that she is the new TC Board Member on the NMAC Board. Ms. Linda Jaramillo, County Clerk, attended the last meeting and Ms. Cabber will begin attending with the next meeting.

Commissioner Frost speaks. After the Special Commission meeting recessed on July 29th, He and Madam Commissioner DuCharme conducted a required inspection of the prison. Ms. Ansley, County Manager, and Ms. Ortiz, Deputy County Manager, also attended the inspection. Commissioner Frost states that everything was very clean and appeared to be very well run.

Madam Commissioner DuCharme speaks. She comments that she agrees with Commissioner Frost that the prison facility was very clean and organized. She states that she was impressed; she enjoyed the meeting.

Madam Commission DuCharme now takes this opportunity to remind everyone that we are having the County Fair this week; it will end on Saturday, August 15th. She encourages all to come out and enjoy the fair! There are a lot of events scheduled and you can find this information at the NMSU website. torranceextension.nmsu.edu.

Chairman Candelaria speaks. He attended an informational meeting about the Sanctuary Zone last night in Moriarty. The Sanctuary Zone is the only domestic violence shelter in Torrance County. The Sanctuary Zone has a connection with the rewards cards for Albertsons and Smiths; when you receive rewards you can direct them to go to the Sanctuary Zone. The Sanctuary Zone needs all the assistance and support they can get from the community; they need donations of all kinds and volunteers! Jim Summers and his wife Betty run the Sanctuary Zone. Domestic

violence has no boundaries, it can touch anyone; male or female, rich or poor, black or white, young or old. It hurts our communities and any help you can give to the Sanctuary Zone will be greatly appreciated. If you are interested in helping, please contact Jim Summers or Pat Lincoln.

Chairman Candelaria also encourages all to attend our County Fair. The kids who participate work really hard and your support can make a big, big, difference. The kids in our community, whether involved in the Fair or not, need all our support and encouragement; you never know what a pat on the back or a word of praise can do.

2. Proposed Road Policy- Joy Ansley, County Manager Ms. Ansley speaks. As the Commission knows, the County has held a series of constituent meetings to discuss the proposed Torrance County Road Policy. On July 14th we had a work session, going through the policy paragraph by paragraph taking public comment and making edits to the policy. That evening Ms. Ansley uploaded the edited policy to the Torrance County website. No further feedback on the policy was received by Ms. Ansley from either the public or the Commission. The next step is for the Commission to consider adopting the policy. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to adopt the proposed Torrance County Road Policy. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks Ms. Ansley if any new amendments were added since our last workshop. Ms. Ansley replies yes, there were many changes to the policy per the workshop. She further states that she marked up the document with the track changes and sent copies to County Legal Counsel, to the Road Department and to Madam Commissioner DuCharme. Ms. Ansley further states that she also made changes to some of the language in some of the paragraphs that was not discussed in the workshop. Madam Commissioner DuCharme asks if Ms. Ansley can point those changes out now for the record and for the public. Ms. Ansley replies that she would need more time to do this; she has already given a copy to Madam Commissioner DuCharme with the track changes. She states that she took out any duplicate language and just basically cleaned up and clarified the document. She did not receive any feedback from Madam Commissioner DuCharme after sending the document to her and so assumed that the changes were acceptable. The current version that she has presented to the Commission today has been on the TC website since July 14th, 2015. Ms. Ansley states that she did look specifically at **4. Procedure for Vacating or Accepting a County Maintained Road.** Madam Commissioner DuCharme had indicated to her that the language here was unclear and she agreed; if you haven't been through the process, you would not understand it. Ms. Ansley added a few sentences indicating

specifically how our Commission adopts a road. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

(A complete copy of the Torrance County Maintained Road Policy is contained in the file for this meeting.)

3. Proposed Memorandum of Understanding with TransWorld Network Corp. – Ben Daugherty, Torrance County Dispatch Ms. Ansley speaks. The County had radio repeaters on Gallinas tower. The Gallinas tower has broken and will not be repaired. TransWorld Network Corp. has a repeater on our tower at Dispatch and they currently pay us rent. This agreement with TWN will allow us to put our Dispatch repeater on their other tower in exchange for them not paying rent. TWN has some other options that they would like to include in this agreement so this item needs to be tabled. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to table the Proposed Memorandum of Understanding with TransWorld Network Corp. Commissioner Frost seconds the motion. The Commissioners vote; all in favor, none opposed. **ITEM TABLED.**

4. Proposed Lease Agreement with KXNM 88.7- Joy Ansley, County Manager & Art Swenka, KXNM Ms. Ansley speaks. The County has a Legislative appropriation of \$40,000.00 for equipment for the radio station. The radio station is currently a non-profit organization, so administering these funds to them causes an anti-donation issue. DFA has asked us to come up with a lease agreement. Mr. Swenka has drafted a lease agreement that is legally sufficient according to our County Attorney. Mr. Swenka has also prepared exhibits that shows that the radio station is providing \$40,000.00 worth of service to us, the County. In turn, we will purchase the radio equipment with the appropriation and lease it to the station. Once approved by the Commission, the agreement and the attached exhibits will be presented to DFA for final approval. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to accept the Lease Agreement with KXNM 88.7. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

Chairman Candelaria takes this opportunity to comment about the importance of the local radio station. The station provides a great service to our community. Among other things, they broadcast all our Commission meetings, as well as the P&Z Board meetings, giving members of the County who cannot attend an opportunity to know about what is going on in the County.

5. Estancia Basin Water Planning Committee Interview and Appointment

Chairman Candelaria speaks. We are still looking for a person who would like to serve on this committee; this position has been vacant for quite some time. The Committee meets once every other month; anyone interested participating is encouraged to submit a letter of interest to the Commission. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to table Estancia Basin Water Planning Committee Interview and Appointment. Commissioner Frost seconds the motion. The Commissioners vote. All in favor, none opposed. **ITEM TABLED.**

6. Request Actual Expenses to Ruidoso- Kathy Reyes, Community Monitor

Ms. Reyes, TC Court Compliance Officer, speaks. She is requesting actual expenses to attend the NM Sheriff's Association Summer Training Conference in Ruidoso, New Mexico next week. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve Actual Expenses for travel to Ruidoso. Commissioner Frost seconds the motion. Chairman Candelaria takes this opportunity to thank Ms. Reyes for the great job she does day in and day out for the County. Having the ability to monitor persons instead of sending them to CCA saves the County a great deal of money. Her hard work, which can be 24 hours a day at times, is greatly appreciated. Madam Commissioner DuCharme asks Ms. Reyes if she has the funds in her budget to cover this trip. She does. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

7. Approve Contract with Truly Nolen for Extermination Services for

Administrative Offices- Leslie Olivas Ms. Olivas, Purchasing Director, speaks. With all the rain we have been having, we have been experiencing a lot of bug problems here in our Administrative building and at the Judicial Complex. Ms. Ortiz, Deputy County Manager, instructed Ms. Olivas to inquire about hiring an exterminator. We recently contracted with Truly Nolan to do extermination work at the Animal Shelter. The work was completed to our satisfaction so we have decided to contract with them again. We have received a price quote from Truly

Nolan for work here at the Administrative Building in the amount of \$2, 134.65, well below the threshold for needing quotes. Ms. Olivas now asks for Commission approval. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the Contract with Truly Nolen for Extermination Services for the Administrative Offices. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

8. Approve Contract with Truly Nolen for Extermination Services for Judicial Complex - Leslie Olivas Ms. Olivas speaks. We have received a price quote from Truly Nolen for work at the Judicial Complex in the amount of \$2,083.82. All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to approve the Contract with Truly Nolen for Extermination Services for the Judicial Complex. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

9. Award IFB 2016-01 – STA Chips – Leslie Olivas, Purchasing Director Ms. Olivas speaks. This IFB, (Invitation for Bids) is for materials that the Road Department needs to work on their State and FEMA projects. We had a request from the Road Department in July to create this IFB. We went through the bid process and received one bid. This bid meets all our requirements and today we are recommending that the Commission award the bid to Moriarty Concrete Products. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to award IFB 2016-01 STA Chips to Moriarty Concrete. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks how many times we advertised for this IFB. Ms. Olivas responds that we advertised once for ten days, which meets the statutory requirements. Madam Commissioner DuCharme asks if this will be considered ‘sole source’ now. Ms. Olivas replies no, that’s why we did sealed bids. This is a method of procurement that we are allowed to do through the State; everything was done in compliance with the procurement code. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

10. Award IFB 2016-02 – Cold Mix- Leslie Olivas, Purchasing Director Ms. Olivas speaks. This is basically a sister bid to item #9. We followed the same IFB procedures and received one bid. This bid meets all our requirements and today we are recommending that the Commission award this bid to Mountain States Constructors. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to award IFB 2016-02 Cold Mix to Mountain States Constructors. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks Ms. Olivas if the amount of the bid from Mountain States Constructors is comparable to what other businesses might charge. Ms. Olivas replies that of course she is not an expert in this field, but she did discuss the outcome of the bid with the Road Department and they felt comfortable with it. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

11. Award RFP 2016-01- Insurance Broker Services- Leslie Olivas, Purchasing Director Ms. Olivas speaks. At the June 10, 2015 Commission meeting Ms. Ansley told the Commission that her staff had been looking into the possibility of leaving the State's insurance plan and hiring a broker to contract insurance privately for health, vision, dental, disability, and life. At that time, the Commission instructed Ms. Ansley to move forward with the RFP. Ms. Ansley and Ms. Olivas put the RFP together and sent it to the County Attorney to make sure that it was done correctly. The RFP was put out with a submission deadline of July 20th. Three proposals were received. An evaluation committee reviewed the proposals. The highest scoring firm received 442 points out of a possible 500. The recommendation of the evaluation committee is to award RFP 2016-01 Insurance Broker Services to Rydeski & Co. All documentation hereto attached. **ACTION TAKEN** Chairman Candelaria makes the motion to Award RFP 2016-01 Insurance Broker Services to Rydeski and Co. Madam Commissioner DuCharme seconds the motion. Mr. Rydeski comes to the podium and introduces himself and his assistant to the Commission. Chairman Candelaria reminds all that the reason we are pursuing this is to attempt to lower the cost of insurance for our employees. Currently only 49% of our employees take County insurance. Ms. Ansley clarifies where we are in this process. If the Commission awards the RFP today to Rydeski & Co., Ms. Ansley and her staff will have the authority to allow Mr. Rydeski to work with our team. He will look at our current insurance; look at what the State plan offers and what is available and see if leaving the State plan is even a feasible option for us. If it is determined that leaving the State plan is a good option, we would contract with Rydeski & Co. to be our broker to negotiate that deal for us. Mr. Rydeski, his assistant and his team would work with the insurance companies

on our behalf. After some further discussion, the Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

12. Approval of Adult Identity Mentoring (AIM) Grant- Michelle Castillo, TCPO Director Ms. Castillo speaks. She is here to ask for approval of the AIM Grant, which is an out-of-school Teen Pregnancy Program that targets our at-risk teens. This will take the place of our TOPS Program. We did not have the student involvement needed to continue the TOPS Program, so we were reclassified for the AIM Program instead. This is a grant for \$28,700.00 per year for the next three fiscal years. All documentation hereto attached. **ACTION TAKEN** Madam Commissioner DuCharme makes a motion to approve the Adult Identity Mentoring (AIM) Grant. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks about the concerns that the Grant Committee listed on the Grant Summary sheet for this grant:

‘Potential to overspend money without reimbursement because it is based on participation, not actual expenses. If there is a fund deficit, it must be covered by the General Fund.’

Ms. Castillo comments that this is a concern. We would bill the grant for the students that we have, so if no students participate we cannot bill for payment. We will have two people on staff and if no students participate, we would have to find a different way to pay them. This agreement does not require as many participants as the TOPS program did and it will only run for 6 weeks at a time; 6 weeks on and 7 weeks off with different students participating each time. It is not a full time grant. Because it will only run for 6 weeks at a time, we may be able to interest students more; we don’t know yet. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

13. Approval of Grant Application for CDWI Funding from the State of New Mexico, Department of Transportation, Traffic Safety Bureau- Tracey Master, DWI Coordinator Ms. Ansley speaks. This is a renewal; we receive this funding every year. The performance goals are to reduce the number of fatalities in crashes involving a driver or motorcycle operator with a BAC of .08 and above. The amount of the grant is \$3,101.00. We apply for and receive this grant every year. All documentation hereto attached. **ACTION TAKEN** Madam Commissioner DuCharme makes a motion to approve the Grant Application for CDWI Funding from the State of New Mexico, Department of Transportation, Traffic Safety Bureau. Commissioner Frost seconds the motion. No further

discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

***Department Requests/Reports:**

14. Approval of Disposition of County Equipment- Joy Ansley, County Manager Ms. Ansley speaks. The Commission previously authorized funds for the Road Department to lease a new loader and backhoe. As part of the purchase on the loader, we are going to trade in the old loader. In order to do that and receive credit, we need to dispose of it properly as per the statutes. The Disposition committee met and declared the loader surplus so it can be traded in. Caterpillar Financial is prepared to give us \$67,100.00 on that loader as a credit towards the new one. All documentation hereto attached. **ACTION TAKEN** Chairman Candelaria makes a motion to approve the Disposition of County Equipment. Commissioner Frost seconds the motion. Commissioner Frost asks if we have the new equipment yet. Ms. Ansley replies no, it is supposed to be delivered next Monday. However, Caterpillar will not be able to take possession of our loader until DFA approved this disposition. Madam Commissioner DuCharme asks about the balloon payment in 5 years of \$95,920.00; will we have the funds to pay this when it is due. Ms. Ansley comments that we will have the option to either buy out the lease or turn the equipment back in. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

15. Approval to Apply for Loan to Purchase Class A Engine, Andrew Milton, TCFD 3 Fire Chief- Chief Milton speaks. He provides the Commissioners with a copy of the Public Project Revolving Fund Equipment Application; the loan application. Today he is requesting approval to move forward with this purchase process. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to approve the Application for a Loan to Purchase a Class A Engine for the TC Fire Department District 3. Madam Commissioner DuCharme seconds the motion. Commissioner Frost asks if the new engine will replace the old one they have now. Chief Milton replies that we will keep the old engine as a spare. Madam Commissioner DuCharme asks what the monthly payment on the loan will be. Chief Milton and Ms. Ansley reply that we will not know the exact amount until the loan closes and we have an amortization. The way this Finance Authority Loan will work, we won't make the payment; it will be an intercept from our Fire Protection Funds. Basically, the State Fire Marshall's Office pays the

Finance Authority and we get whatever is left. With respect to the budget, the loan payments would be part of our Debt Schedule. It will take anywhere from 6 months to 14 months for this truck to be built. These trucks are specifically made for certain situations and firefighting. Chairman Candelaria notes that the better our firefighting equipment is, the better our ISO rating will be. A better rating can lower homeowners insurance in that area. Better equipment is a plus in terms of savings and safety. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

16. Seek Guidance from County Attorney to Resolve Future Issues with Information Requests- Betty Cabber, County Assessor Ms. Cabber speaks. She and her staff get many requests for their database. These requests prompted Ms. Cabber to consult our County Attorney. Mr. Huss, County Attorney, comments that the issue here is the interplay between the Inspection of Public Records Act and commercial requests for the Assessor's electronic database, which contains information that is technically public record but is relatively burdensome to produce. Under the Inspection of Public Records Act, state statute allows the Commission to set fees for producing the electronic database for commercial entities. The Assessor's Office proposes what they state is the industry standard of \$100.00 per 1000 records. At that rate, producing the entire database would equate to \$3,200.00, but the Assessor's Offices proposes to charge \$2,500.00. If these numbers meet with Commission approval, the process would be to create a resolution establishing the \$100.00 per 1000 record fee and a \$2,500.00 per entire database fee. This is not for limited requests by the public; this is for commercial entities that wish to buy the database and use it for commercial purposes. Essentially, we are not allowed to withhold it, but we are allowed to charge for it under state statutes. The database being discussed does not include sensitive information such as social security numbers or dates of birth. Most commonly, commercial requests for the database come from the Multiple Listing System that supplies the list to realtors, or entities that turn around and sell the list to someone else for bulk mailings; names and addresses are public information. Pulling this information can be very time consuming. Charging a fee for gathering and producing the information can also help to recoup the cost of the lost time. The queries can be very specific and labor intensive. Ms. Jaramillo, County Clerk, states that her office also receives requests for information that can be very time consuming. She asks if this fee amount would apply to her office as well. Mr. Huss answers that it would depend on who the requester is and what information they seek. If, under the Inspection of Public Records Act, a member of the public asks for specific public records, the most we are allowed to charge are the fees for

copies set by the Commission and the time accrued in doing it. This statute and this request deals with the exact type of content that the Assessor's Office maintains; it deals with large electronic databases that are going to be sold for commercial purposes. Mr. Huss further states that if there are burdensome requests that the Clerk's Office receives, they can send them to the County Attorney's office for review to see if the statute applies. Madam Commissioner DuCharme asks how the Assessor's Office determines if the requests are coming from an individual or a commercial entity. Ms. Cabber states that it is very easy to tell. Individual requests are always for a small amount of records, rarely over 100 and never, in her experience, for the entire database. Madam Commissioner DuCharme states that she needs more information and more feedback on this issue; she states that right now she is really uncomfortable with the idea of selling public information. She also comments on the fact that Ms. Cabber is stating that the gathering of this information takes time. She states that she thinks it is part of Ms. Cabber's job to follow the Inspection of Public Requests Act. Ms. Cabber replies that IPRA requests are completely different from a commercial entities request for her entire database. Mr. Huss concurs that this does not affect in any way an individual member of the public's right to request documents. The main question here is is the Assessor's Office allowed to recoup the money that it takes her office to produce her data base records for commercial purposes or is she just out the man hours it takes to have somebody produce the information requested. This is why the Legislature, within this specific subset of information, allows a charge because they recognize the amount of resources that go into producing and delivering the requested records to the purchaser. All documentation hereto attached. **NO ACTION, DISCUSSION ONLY**

17. Ratification of MOU with Mid Region Council of Governments for Fiscal Agent Services- Joy Ansley, County Manager Ms. Ansley speaks. This MOU is for Legislative appropriations that were received in 2015. There were two received for a total amount of \$91,400.00: approximately \$20,000.00 for a Sheriff's vehicle and approximately \$70,000.00 for a CAD system for Dispatch and the Sheriff's Department. Ms. Ansley states that she was not aware these funds were coming; we didn't apply for it. During the summer conference in June, Ms. Ansley was informed by DFA that the money had been allocated and that we needed to fill out bond questionnaires so that the severance tax bonds could be sold. The bonds were sold and the appropriations are in place. The County has to have a fiscal agent to administer these funds because of audit findings that we received. In order for us to get a grant agreement from DFA so the funds can be expended, we have to have an MOU with the MRCOG. Due to time constraints, Ms. Ansley states that she signed

the MOU. She now asks the Commission to ratify this MOU. Chairman Candelaria states that he read and initialed each page of the MOU. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to ratify the MOU with the Mid Region Council of Governments for Fiscal Agent Services. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

18. Update

Ms. Ansley presents the following written update:

Manager's Report – August 12, 2015

1. We've had a request for an indigent burial, in which the decedent qualifies and is unclaimed. He's been at OMI for several weeks, so I'd like the Commission to sign the resolution authorizing the cremation of the decedent, so that he can be cremated. I'll add the ratification of the resolution to the next agenda, so that it's part of the record. *(The Commission agrees to sign this resolution)*
2. I have been working with the Claunch Pinto SWCD to apply for some grant funding to renovate the landscaping at this building; I'm very grateful to Ms. Tarr for her assistance with that project.
3. I've also obtained quotes to re-floor the courthouse, and utilize a legislative appropriation for improving County Buildings to do so.

Ms. Ansley states that she read in the minutes that there were questions about the G.O. Bond expiring and being reauthorized. She spoke to the Commission during budget time about earmarking funds to hire a financial advisor to assist with this. She has contacted RBC Financial, who has administer the G.O. Bond for us thus far which was used for the building of the Judicial Complex. Hopefully, she will have a contract in place by the next Commission meeting so we can use their services to assess what we can do about extending the G.O. Bond.

Madam Commissioner DuCharme asks Ms. Ansley about the items that were approved for disposition by the Commission in May and then sold at auction. She asks if there are final numbers yet about how much money was generated at the auction and about a TCPO van that was supposed to be transported to the auction

and sold, but was not. Ms. Ansley replies that she does not have final numbers yet, and does not know why the van was not taken to the auction; Ms. Ansley assumes there was a miscommunication between the Road Department, DWI, and herself that caused the van to be left behind. Currently, the van is still parked at Dispatch. There is discussion about what to do with the van; no final decision is made. Madam Commissioner DuCharme asks about the Fire Department. Recently, the Fire Department purchased two new trucks; Madam Commissioner DuCharme asks about how they are being used right now. Ms. Ansley replies that one or both are currently being used by Fire Admin. They are being used for training or to get to a scene. Basically, they are available for anyone in the Fire Department who needs them. Madam Commissioner DuCharme states that she has different information about one of them. She has heard that one of the vehicles is being taken home by a person who works for the Fire Department; she believes it is an Admin. Ms. Ansley replies that she knows that Chief Trumbull is using one while his Tahoe is in the shop. Madam Commissioner DuCharme asks if the vehicles are marked as County Fire Department vehicles. Ms. Ansley replies yes they are. Madam Commissioner DuCharme asks Ms. Ansley to find out more about this; how exactly those two vehicles are being used, how they are being used now and how they are intended to be used.

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

Michael Godey, resident, speaks. He comments about the new Road Policy. He states that it came up at a meeting to have certain roads in subdivisions have a 50 feet instead of a 60 feet wide right-of-way. He asks why, if that is the case, something wasn't put into the Road Policy in writing stating that 50 feet would be allowed. *(The Commission informs Mr. Godey that the Road Policy does state "A minimum right-of-way width of at least fifty (50) feet shall be granted by fee title to the County for all privately owned roads accepted by the County as County Maintained Roads. ")*

Fred Sanchez, resident, speaks. He states that in general, more weight should be placed on Torrance County citizens concerns on decisions by the Commission rather than special interests. The action concerning the marijuana greenhouse is yet another example of the Commission majority not supporting the constituents.

Billie Clark, resident, speaks. When she came before the Commission in May and again in June, the Commission unanimously approved the Torrance County Health Council's community health profile and community health improvement plan. She wants to remind the Commission that one of the priorities that the Health Council is operating under is Health is all Policies, which is a collaborative approach to improving the health of all people by incorporating health considerations into decision making across sectors and policy areas.

Pat Lincoln, resident, speaks. She states that she wants to thank Madam Commissioner DuCharme for living up to the Oath of Office that she took to follow and to defend the ordinances of the County and to act in the best interest of the residents of the County. If there are no residents, there is no real reason for County government. She applauds Madam Commissioner DuCharme's thoughtfulness in this and her courage in doing this. Ms. Lincoln states that she would like to remind the Commission that they are sworn to protect the welfare and the interests of the residents of the County; they are not sworn to defend egregious oversteps on the part of staff that lead to mistakes that can put the entire County at risk. Any of the subdivisions are now at danger of having the integrity and intent of their subdivisions compromised at the whim of staff and misguided advice of legal counsel.

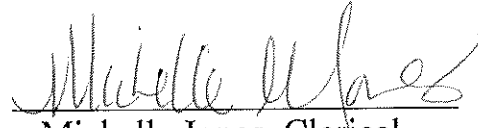
There is no Executive Session.

Mr. Huss informs the Commission that he will present a draft of the Findings of Fact/ Conclusions of Law concerning today's decision about the Loma Parda appeal for Commission review and approval at the next Commission meeting.

**Adjourn*

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the August 12, 2015 Commission Meeting. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 11:18 am


Chairman Candelaria


Michelle Jones, Clerical

8/26/15
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.