

Final Copy
Torrance County Board of Commissioners
Commission Meeting
November 9, 2015

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

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

Call Meeting to Order:

Chairman Candelaria calls the November 9, 2015 meeting to order at 9:01 am. He welcomes all those present to the meeting, leads us in the pledge, and gives the invocation.

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the October 28, 2015 Regular Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the October 28, 2015 Regular Meeting Minutes. Madam Commissioner DuCharme seconds the motion. 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 agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve today's Commission Meeting Agenda. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme states that she is opposed to items #14- Appointments to MRCOG Full Board (2 Positions) and #15- Appointment to the RTPO Board (1 position) being on the agenda. Ms. Ansley, County Manager, comments that item #14- Appointments to MRCOG Full Board (2 Positions) has been a point of contention

and that Madam Commissioner DuCharme had asked her to fix the problem. Ms. Ansley states that she received a memo from the COG; from Mr. Larry Horan, General Counsel to the MRCOG, advising Ms. Ansley and the Commission of what they thought the arraignment should be, so Ms. Ansley put this item back on the agenda. Madam Commissioner DuCharme states that the problem was not about the Full Board, it was about the appointment to the MRCOG Executive Board. Madam Commissioner DuCharme now comments about agenda item #15. Appointment to the RTPO Board (1 position), stating that there was no issue with this appointment, why is it on the agenda. Ms. Ansley replies that Commissioner Frost asked her to put this item on the agenda; he was appointed to the RTPO Board, but has not been able to attend the meetings and will not be able to attend future meetings and wants someone else to take this appointment. The Commissioners vote; two in favor, Madam Commissioner DuCharme abstains. **MOTION CARRIED.**

Approval of the Consent Agenda:

Chairman Candelaria asks for a motion to approve the Consent Agenda, approval of warrants and indigent claims. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Consent Agenda. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks about some items on the consent agenda. She asks about invoice #2311915 – ‘Loan Payment for Building’ in the amount of \$17,955.34 to the NM Finance Authority; what building is this payment for. Ms. Ansley replies this is for Dispatch. The payment for this loan is once a year. Madam Commissioner DuCharme asks about invoice #s 3811915 and 3911915 Arrive Alive Tour Estancia High School and Moriarty High School in the amount of \$2,250.00 each to Unite International LLC. Ms. Tracey Master, TC DWI Prevention Program Coordinator, explains that the Arrive Alive Tour is a DWI simulator. A company comes out with the DWI simulator and takes it to area High Schools and they spend the day with the Student Body. Students get the opportunity to wear goggles that simulate impairment, sit in a vehicle and experience what impaired driving might be like. The students are taken through a module about texting and driving also. They came to Estancia, Moriarty, and Mountainair. Madam Commissioner DuCharme asks if participation is mandatory. Ms. Master replies that she does not think so. Students learn about the dangers of driving while impaired, whether it be because of alcohol or being distracted because of texting. There is pre-testing and post-testing at each of the events. Madam Commissioner DuCharme asks if there were many participants. Ms. Master replies that the entire high school student body from each of the three

schools participated to some degree. The Commissioners vote; all in favor, none opposed **MOTION CARRIED.**

There are no Indigent Claims on this Consent Agenda.

Action Items

Items to Be Considered and Acted Upon

***Department Requests/Reports:**

1. NMAC Presentation (Legislative Priorities/Policy Committees) - Steve Kopelman & Sharon Stover, New Mexico Association of Counties

Ms. Betty Cabber, TC Assessor and TC Representative to the Board of Directors of the NMAC, speaks. She introduced Ms. Sharon Stover and Mr. Steve Kopelman. Ms. Stover is the Los Alamos County Clerk and NMAC President, and Mr. Kopelman is the NMAC Executive Director.

Ms. Stover and Mr. Kopelman give a presentation to the Commission about the NMAC. The NMAC was established in 1936 and its mission is to strengthen NM counties' ability to govern their own affairs and to improve the well-being and quality of life of their constituents. *(The presentation hand-out is included in the file for this meeting.)*

The presentation included the following:

- Facts about NM counties
- NMAC Organizations
- NMAC Policy Statement
- NMAC Policy Committees & Task Forces
- 2015 Legislative Session Accomplishments
- 2016 NMAC Legislative Priorities
- Federal Legislative Initiatives
- Self-Insurance Pools
- Professional Development & Additional Resources
- Contact the NMAC information

The NMAC supports a policy making process in which all elected county officials and citizens have a voice and recognizes that each county government can best determine how to manage its own affairs and meet the needs of its constituents.

The NMAC opposes preemption of local authority, and opposes unfunded mandates imposed on county government. The NMAC supports programs that create and aid both public and private enterprises to plan, finance, and develop job-related industries, businesses, and facilities that are compatible with local needs and desires. The NMAC supports transparency in governmental decision-making, open elections, and increased voter participation.

In 2015 the State Legislature passed four NMAC Legislative Priorities:

SB 319- County IRB Projects & Complaint Process Changes;
HB 67- Property Tax Schedule Change Requests;
SB 104- Delinquent Property Tax Installment Payments; and
SJM 4- Services for Mentally Ill and Awaiting Trial

Other Legislation was passed that possibly affects Counties:

SB 41- Medicaid for Certain Incarcerated Persons;
SB 643- Voter Registration Requirements;
SB 112- Define Agricultural Use for Property tax; and
SB 125- Change County Road Speed Limits

Significant Legislation was successfully opposed by NMAC:

HB 366- Pre-emption of Oil & Gas Operations;
SB 425- Limited authority of counties and cities over Agricultural Operations, Mining, and Oil & Gas Activities
HB 421/ SB 101- Reduced county authority to impose hold harmless gross Receipts taxes;
HB 376- Restricted isolated confinement for inmates with serious mental illness

Listed below are the 2016 NMAC Legislative Priorities:

- Restore Detention Center Funding
- Support Funding for a Statewide EMS Assessment
- Gross Receipts Tax Reform
- State Level Contribution to the NM 3D Elevation Program (3DEP)

The next agenda item will ask the Commission to approve Resolution 2015-46 Supporting the NMAC 2016 Legislative Priorities. Ms. Stover and Mr. Kopelman are thanked for visiting our County and for their very informative presentation. All documentation hereto attached. **NO ACTION, INFORMATION ONLY**

2. Resolution 2015-46 of Support for the NMAC 2016 Legislative Priorities-
Betty Cabber, NM Board of Directors Representative Ms. Cabber speaks. Along with Resolution 2015-46, she presents the Commission with a packet entitled '2016 NMAC Legislative Priorities'. *(The packet is included in the file for this meeting.)* As listed above, the NMAC Legislative Priorities are:

- **Restore Detention Center Funding**

Support an increase in the 2016 General Appropriations Act that would fund the County Detention Center Facilities Reimbursement Act at a level sufficient to reimburse counties for the actual cost of holding the three categories of prisoners specified under the Act.

- **Support Funding for a Statewide Emergency Medical Services Assessment**

Support an appropriation to conduct a statewide EMS assessment through the NM Dept. of Health EMS Bureau, in coordination with the State Fire Marshal, and reconvene the NMAC EMS Task Force, to develop additional policy recommendations regarding appropriate funding levels and mechanisms for recurring EMS services funding.

- **Gross Receipts Tax Reform**

Counties should partner with state government in any legislative efforts at gross receipts tax restructure and reform

- **Funding for the NM 3D Elevation Program (3DEP) to Develop Light Detection and Ranging Technology (LiDAR)**

Support legislation that would allocate funding to be used in collaboration with other federal, local, and tribal funds to match federal funding from the National 3D Elevation Program. LiDAR applications include watershed and water resource management, infrastructure planning and development, and precision agriculture and forestry management.

All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve Resolution 2015-46 Support for the NMAC 2016 Legislative Priorities. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

3. Update on GO Bond Issue & Special Election- Erik Harrigan RBC Mr. Harrigan speaks. He works with RBC Capital Markets in Albuquerque. The Commission has been provided with a packet entitled, ‘Torrance County General Obligation Debt Overview’. *(This packet is located in the file for this meeting)*. He reviews the packet for the Commission. He talks about the timing of General Obligation Bond elections, and gives a history about the tax rate for the County. He gives an overview of the County’s assessed valuation. This is important because the assessed valuation does two things: it determines the tax rate (not only operational tax rate, but debt service tax rate if GO Bonds are outstanding) and it impacts the capacity, or total amount, of GO Bonds that a County can have outstanding. That capacity is constitutionally set at 4% of the County’s assessed value. Currently, Torrance County’s assessed value is approx. \$377,232,493.00 Therefore, our GO Bond capacity calculates as follows:

Assessed Value	\$377,232,493
4% of Assessed Value	\$15,089,300
Less Outstanding GO Bonds	\$325,000
Remaining capacity	\$14,764,300

The County’s assessed value has grown approx. 5% in the last 10 years, and approx. 3% in the last 5 years. Mr. Harrigan now reviews the historical tax rates in Torrance County for a residential property owner in Estancia. The tax rate associated with our current GO bond obligation is approx. \$1.03.

Mr. Harrigan explains that the County also has an operating mill levy which has fluctuated between 10.49 and 10.94. An important component of this is that the County has very little control over this operating mill levy because of yield control. Yield control is designed to generate the same amount of property tax revenue year in and year out based upon an inflationary rate. When our assessed growth did not match the inflationary rate that the State used, the tax rate was adjusted up so that we were delivering the same amount of money, inflation adjusted, year after year.

Mr. Harrigan now explains the tax rate setting timeline:

- May 1 - Notice of Values sent out by the County Assessor
- July 1 - Preliminary Assessed Value distributed net of Protested Property
(Preliminary Tax Rates Set)
- September 1 – Tax Rates adopted by Governing Body
- October 1 – Final Assessed Value Set

November 1 – Property tax bills sent by County Treasurer
November/December – 1st portion of property taxes due
May/June of following year – 2nd portion of property taxes due

Mr. Harrigan states that from a timing standpoint, because the tax rates get set in the September timeframe, if the County does not have legal authorization from the voters to issue GO bonds by that time, DFA will not be able to set the tax rate to what it would need to be and it would go to zero because technically the County would have no GO bonds outstanding and no authority to issue any. In order to maintain a current existing tax rate, the County would have to have a Special election prior to the November General election. The County's current existing 2001 GO bonds mature on 08/01/2016; there will be no debt outstanding at that time. If the County holds a Special election, and the voters approve the issuance of GO bonds, (assuming no growth in the County's assessed value, and a 1.0 mill rate) the County could generate approx. \$3.8 million dollars in proceeds for projects. This would be a 15 year borrowing at an approx. interest rate of 4%. Mr. Harrigan emphasizes that the interest rate estimate of 4% is a conservative estimate; it could actually be as low as 3%. Madam Commissioner DuCharme comments that she would like the County to have a specific project in mind before considering another bond. A project must be determined 75 days before the Special election. Ms. Jaramillo, County Clerk, comments that the last day to hold a Special election will be April 18th, and publishing of the proclamation for that election would be 56 days prior to that date. If the Commission also wants public input on this issue, public hearings would need to be scheduled prior to that. Ms. Jaramillo further states that if the County conducts an 'All-Mail' election the cost would be approximately \$18,000.00; an election with polling places and precinct workers would cost approximately \$27,000.00. Funds were not appropriated to the Clerks budget for this election; the Commission will have to fund the election. Commissioner Frost comments that in the last few elections, voter participation has been low, an all-mail election could be a good option. Mr. Harrigan is sincerely thanked for his very informative presentation. The Commission directs Ms. Ansley to add this item to the next Commission agenda for discussion. All documentation hereto attached. **NO ACTION, INFORMATION ONLY**

4. Updates:

Janice Barela, County Treasurer, speaks. She reads the following written update:

Treasurer's Office Update

Commission Meeting 11/9/15

The 2015 tax notices went out October 30th. My office staff and I would like to thank the people who have come in to pay on their accounts. Everyone has been so kind and friendly. I would also like to thank Madam Assessor Betty Cabber and her staff for their continued support as we help customers who have questions about the information used to generate their notices, since the data comes from the Assessor's Office.

I would like to remind everyone, for the public's convenience, we are now accepting Visa, Master Card and Discover cards in the county. Please be prepared to show a photo ID with your card. With all the reporting of identity theft, we are doing our part to ensure that everyone is protected when paying in our offices.

The first half installment is due tomorrow, November 10th; however, property owners have until December 10th to pay without penalty and interest, assuming their accounts are current. If not, interest continues to accrue on the 11th of each month.

This is the first tax season in the past seven years that Mrs. Dorothy Sandoval is not here as our County Treasurer. She retired at the end of June. I want to go on record as saying I miss her. With her retirement, our County lost a great public servant and a wealth of historical knowledge and expertise in taxes and accounting. I have been blessed to know Mrs. Sandoval for the past 30 years; however, words cannot express how extremely grateful I am to have spent 6 ½ years with her as her Chief Deputy Treasurer. No amount of college courses or book knowledge could replace the day in and day out education of working side by side with Mrs. Dorothy Sandoval. When you see Mrs. Sandoval, please take the time to thank her for her many years of service to our community. I will do my best to honor her and all she taught me and will continue to provide the best customer service and expertise in property taxes and in the integrity of handling the collection and distribution of taxes and in the maintaining the County's bank accounts.



Janice Y. Barela

County Treasurer

Betty Cabber, County Assessor, speaks. She states that it has been a pleasure working with Ms. Barela, County Treasurer; she thanks Ms. Barela for the kind words.

Her office finished their first phase of their reassessment of the County. They have reassessed Willard, Cedarvale, Encino, and Duran. We will see some value changes in January for 2016. We do expect to see an increase in value next year and in 2017. The GO Bond could be a win win for everybody. Lastly, Livestock forms will be mailed out the week after Christmas.

Commissioner Frost has no update today.

Madam Commissioner DuCharme speaks. On October 29th, the AGs office sent a delegation here to Torrance County to give a presentation on the Sunshine Laws and the Governmental Conduct Act. She was very glad to see Department Heads and staff members from the County in attendance. She thinks it is very important for us to show that we want to follow the rules, we want to follow the laws. Also, she asked to be placed on the AG's media list. She received a letter stating that the AG's Office will be conducting a bedding, household items, and cleaning supplies drive for New Mexico's homeless and transitioning veterans. The Office of the AG is partnering with the NM Veterans Integration Centers for the drive. Donations will be accepted thru the end of November and can be dropped off at any office of the AG or Veterans Integration Centers located in Alamogordo, Albuquerque, Las Cruces, and Santa Fe.

Also, she became aware that a rumor is circulating that she opposed the construction of a training facility for fire fighters. Madam Commissioner DuCharme states that she was never approached with any details about this kind of facility. Once, in the parking lot, Fire Chief Trumbull approached Madam Commissioner DuCharme and told her of the possibility of constructing this kind of center in Moriarty. Her only comment or question was can we do it as a County on the municipality property. She states that she was not opposed to the building of this facility and if the fire fighters are happy with it, she will be happy with it. Madam Commissioner DuCharme now states that she was recently shown a bus route that we have in District 2 and she feels that this is an emergency. This bus route goes on Sorrel Road, Jenny Lane, Cummings and Shetland Road. This school bus transports our kids every day. We have big ruts on these roads. We could have a huge liability putting our kids at risk on these roads. This route must be fixed immediately. She is bringing this to the attention of the County Manager and expects this route to be fixed immediately.

Chairman Candelaria reminds all to remember the Veterans on Wednesday, Veterans Day. He also wants to thank Nick Sedillo for all his hard work on the

Safety Committee, etc. Nick will always say that it is the employees that deserve the thanks, but Nick is the person who leads our employees to accomplish our safety goals.

Chairman Candelaria also takes this opportunity to express his pride in all our area schools:

The Moriarty H.S. Girls are Volleyball District Champs.
The Mountainair Cross Country team are State Champs.
The Estancia H.S. Football team are 10-0 District Champs.
The Estancia H.S. Girls are Volleyball District Champs.

These kids are really working hard to achieve these accomplishments. When kids are involved in athletics, not only do they learn self-esteem, they learn responsibility and teamwork. We need more of this- FFA, 4-H, School athletics. We need to continue to look for programs that can benefit our schools and our youth. Torrance County is getting a reputation as a good County where people can come and live and raise a family. We need to continue our slow, solid growth.

5. Tracey Master, DWI Prevention Coordinator Ms. Master speaks.

- a. **Request Proclamation Naming November 16th – November 21st, 2015 “DWI Awareness Week”-** Ms. Master reads the following proclamation into the record:

PROCLAMATION

“DWI Awareness Week”

November 16, 2015 through November 21, 2015

WHEREAS, Torrance County values the health and safety of all our citizens; and;

WHEREAS, local leaders, in government and in the community, know that the support of the people in our communities is the most effective tool they can have in their efforts to reduce use of alcohol and other drugs by New Mexicans, and;

WHEREAS, Torrance County is joining with the New Mexico DWI Coordinators Affiliate to support their efforts to reduce DWI crashes, DWI fatalities and the use of alcohol by residents throughout the State.

WHEREAS, the New Mexico DWI Coordinators Affiliate represent 33 counties with the common goal of reducing the incidence of DWI, alcoholism, alcohol abuse, drug addiction or drug abuse and preventing or reducing the incidence of domestic abuse related to the use or abuse of alcohol, and;

WHEREAS, the DWI coordinators in these counties provide services under Local DWI Programs that provide Compliance Monitoring/Tracking for over 13,634 DWI Offenders ensuring that these offenders are in compliance with Court Ordered requirements; and;

WHEREAS, these programs throughout the State also provided more than 29,145 hours of treatment in 2014 with over 13,875 offenders receiving detoxification services; and;

WHEREAS, 229,745 students (K-12th grade) throughout the State also received prevention education/activities through these programs; and;

WHEREAS, alcohol involved fatalities in New Mexico are down from 152 in 2009 to 133 in 2013 and serious alcohol involved injuries are down from 987 in 2009 to 668 in 2013; and;

WHEREAS, alcohol involved crashes in New Mexico have also been on a downward trend from 3,386 in 2006 to 1,955 in 2013; and ;

WHEREAS, the reduction in alcohol involved vehicle crash fatalities and serious alcohol involved vehicle crash injuries is due in part to the hard work of the Local DWI Programs; and;

WHEREAS, according to the Youth Risk and Resiliency Survey published by the Department of Health and Public Education Department show that the LDWI prevention programs appear to have a positive effect on alcohol related behaviors of New Mexico youth, grades 9 through 12. The data shows the following changes from 2009-2013: Current Drinking: down from 50.7% to 28.9%; Binge Drinking: down from 35.4% to 17.1%; Drinking & Driving: down from 19.1% to 8.9%; and Drinking Before Age 13: down from 35.8% to 22.3%; and;

WHEREAS, the purpose of DWI Awareness Week is to raise awareness around DWI, alcoholism, alcohol abuse, drug addiction and/or drug abuse, and the efforts of the DWI Affiliates and the Local DWI Programs; and;

WHEREAS, there are activities planned during DWI Awareness Week in the counties that will focus on educating Legislators and the community on the efforts of the DWI Affiliates and Local DWI Programs, and;

WHEREAS, DWI Awareness Week will be celebrated in every county in New Mexico during DWI Awareness Week, November 16th – 21st, 2015 and:

NOW, THEREFORE, be it proclaimed that the governing body of Torrance County, Board of Commissioners, does hereby designate November 16th – 21st, 2015 as:

“DWI Awareness Week”

Torrance County Board of Commissioners urges all citizens, parents, governmental agencies, public and private institutions, businesses, health providers and schools in Torrance County to support efforts that will increase community awareness, understanding and action to address DWI in our community.

All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to approve the Proclamation Naming November 16th – November 21st, 2015 “DWI Awareness Week”. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

- b. Project Agreement #16-CD-05-103 between Torrance County and the State of NM Dept. of Transportation for Community DWI (CDWI) Funding for FY2016** Funding for this project comes from a \$75.00 fee that is imposed upon convicted DWI offenders. The funds go back to the County where the conviction was recorded. In this agreement, we are being awarded \$3,101.00 from CDWI funding to be used for offender services; specifically safety equipment and drug testing kits for home compliance checks. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve Project Agreement #16-CD-05-103 between Torrance County and the State of NM Department of Transportation for Community DWI (CDWI) Funding for FY2016. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

- c. **Contract between Torrance County and John Steiner to Evaluate the LDWI Prevention Component for FY16** This is Professional Services Contract FY2016-DWI-06 between Torrance County and Mr. John Steiner to provide evaluation services of the LDWI program prevention component. Because of HB 16, each county has required additional funding to support required evaluations. This contract is in the amount of approximately \$14,000.00. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the Contract between Torrance County and John Steiner to Evaluate the LDWI Prevention Component for FY16. Chairman Candelaria seconds the motion. Funds for this contract will come from the DWI distribution grant, received from the Dept. of Finance and Administration, Local Government, Division of Special Programs Bureau, LDWI. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

6. Grant Agreement with NMDOT for ENDWI (Project No. 16-AL-64-103), Buckle Up (Project No. 16-OP-RF-103) and 100 Days and Nights of Summer (Project No. 16-DS-EE-103) - Stephanie Dunlap, Sheriff Administrator Ms. Dunlap speaks. These are three different grant agreements between the Torrance County Sheriff's Office and the NMDOT for traffic safety specials that every law enforcement agency in the State is allotted by the NMDOT. The ENDWI is to help us crack down on DWI throughout the County. The Buckle Up is for seatbelt violations. And the 100 days and nights of summer is three months of law enforcement crackdown on any kind of violation. These grants allow us to pay the deputies overtime to crackdown on these specific problems throughout the County. Ms. Ansley clarifies that this is one grant agreement with three components. All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to approve the Grant Agreement with NMDOT for ENDWI (Project No. 16-AL-64-103), Buckle Up (Project No. 16-OP-RF-103) and 100 Days and Nights of Summer (Project No. 16-DS-EE-103). Commissioner Frost seconds the motion. Chairman Candelaria asks if there is a match. There is no match. Commissioner Frost asks about the timeframe of the 100 Days and Nights of Summer. Ms. Dunlap clarifies that runs from June 23rd- September 30th. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

7. Lease Agreement between Torrance County Planning & Zoning and Ricoh for Copy Machine MPC3503- Dan DeCosta, Planning & Zoning Ms. Leslie Olivas, Purchasing Director, speaks. P&Z's current copier lease will expire soon. This new contract price is lower and will allow P&Z to replace their current color printer and copier with one unit. This was priced out through the US Purchasing Cooperative and is in compliance with the procurement code. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the Lease Agreement between Torrance County Planning & Zoning and Ricoh for Copy Machine MPC3503. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

8. Lease Agreement between Torrance County Treasurer and Ricoh for Copy Machine MP3554SP- Janice Barela, Treasurer Ms. Barela speaks. Her current copier lease will expire soon. They negotiated a new agreement with Ricoh at a lower cost. They will also be getting a new black and white copier. Both Legal and Ms. Olivas reviewed the contract and found no issues. All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to approve the Lease Agreement between Torrance County Treasurer and Ricoh for Copy Machine MP3554SP. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

9. FY14 SHSGP Grant Extension Request- Javier Sanchez, Emergency Manager This is a sub-grant agreement amendment that will extend the deadline of the grant to January 31st, 2016, allowing ample time for completion. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the FY14 SHSGP Grant Extension Request. Madam Commissioner DuCharme seconds the motion. Mr. Sanchez states that the current end date of the agreement is the end of November. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

Madam Commissioner DuCharme asks Mr. Sanchez how his recent Emergency training went. Mr. Sanchez replies that it went well; they were able to attract a few volunteers. They are hoping to have a light training in February which will last three days. It will cover a whole gamut of training, including CPR, NIMS training,

shelter training, etc. The training will run Friday from 6pm-9pm and Saturday and Sunday from 8-5. Madam Commissioner DuCharme comments about how well publicized this training event was. She thanks Mr. Sanchez for his efforts.

10. Ratification of FY16 Juvenile Justice Grant Application- Kathy Swope All documentation hereto attached. **ACTION TAKEN.** Madam Commissioner DuCharme makes a motion to table this item. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED, ITEM TABLED**

11. Resolution 2015-47 Budget Increase –Amanda Tenorio, Finance Director Ms. Tenorio speaks. This is a request for a budget increase. The funds were received from the NMAC insurance. The County needs to pay for the vehicle repairs to a 2013 Dodge Ram Unit. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve Resolution 2015-47 Budget Increase. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

12. Resolution 2015-48 Line Item Transfers- Amanda Tenorio, Finance Director Ms. Tenorio speaks. These transfers are within the budgeted funds for FY15/16. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve Resolution 2015-48 Line Item Transfers. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks about an \$8,000.00 transfer request from Fire Admin. The reason for the transfer states, 'Funds needed to purchase an ATV for the Fire Department for air trailer'. Ms. Ansley comments that this is for a rescue unit similar to those that the Sheriff's Department has. Madam Commissioner DuCharme asks if we have an ATV already. Cheryl Hamm from the Fire Department comments that the ATV they are ordering is for their support trailer. They have two other ATVs that are dedicated to other operations. This ATV would be specific to the support trailer. It will also come with a plow package. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

***Commission Matters:**

13. Publishing Public Notices in Both Local Newspapers (Mountainview Telegraph and The Independent) Ms. Ansley speaks. She states that this item

was on the last Commission meeting agenda and has been discussed by the Commission a few times. At the last meeting, the Commission instructed Ms. Ansley to bring them some amounts of what has been budgeted and what has been spent on advertising by the different County departments. Ms. Ansley provides the Commission with the following documents:

- Expenditure Schedule for Printing/Publishing/Advertising for FY14 and FY15 for the County by department
- Actual invoices and amounts from 07/01/2014-06/30/2015 for the Independent and for the Mountain View Telegraph
- A letter to Ms. Ansley from Rory McClannahan of the Mountain View Telegraph

The Commission reviews the documents, which are included in the file for this meeting. Chairman Candelaria comments that the Expenditure Schedule and the letter from Mr. McClannahan show that each department has to advertise on their own from their own budget. He states that, in his opinion, it should be the decision of each department as to whether they wish to advertise in one or both of the local papers. He does not believe that it is fair for the Commission to dictate to the departments how they advertise. Advertising funds are already budgeted for this fiscal year. He proposes that the Commission revisit this issue when budgeting for the next fiscal year. Madam Commissioner DuCharme reads the letter from Mr. McClannahan into the record:

Joy Ansley

From: Rory McClannahan <rmcclannahan@mvtelegraph.com>
Sent: Friday, November 06, 2015 3:52 PM
To: jansley; lcandelaria@tcnm.us; juliaducharme; jfrost@tcnm.us
Subject: re: Agenda item #13, Nov. 9 meeting
Attachments: letter to commission.docx

Nov. 6, 2015

Commissioners LeRoy Candelaria, Jim Frost , Julia DuCharme and County Manager Joy Ansley, It has come to my attention that the commission will be considering how it advertises its state-mandated legal notices. It's my understanding that this move is being made in the interest of "fairness" to the two publications that distribute newspapers in Torrance County. While I could make the argument that this is hardly fair to the Mountain View Telegraph in that you propose to take away half of your business with us, I realize that may not hold much weight with your decision.

Instead, I would like to point out that the Mountain View Telegraph is the only newspaper located in Torrance County. We are the only newspaper that chooses to do business in Torrance County, and as such, our taxes are paid in Torrance County.

In addition, we are the newspaper of record in Torrance County, meaning that the Torrance County Clerk is required to keep each issue of our publication in her archive so that a record of the publication of legal notices are available to the Clerk and to the public.

I'd also like to add that having the Commission, an elected body, create a policy that dictates how the County Clerk, another elected official, does her business violates the division of duties outlined in state statutes. What would be next? The Commission telling the Sheriff who he can arrest? Telling the Treasurer what software vendor she can use, or that she has to use all of them? Telling the Assessor she can only do valuations on the right side of certain roads?

I thank you for the time you take reading this and considering this issue. I encourage you to not implement any policy that infringes on the Clerk's ability to do her job the way she sees fit.

Thank you,

Rory McClannahan

Publisher/Editor

Mountain View Telegraph

505-823-7102

Madam Commissioner DuCharme states that she spoke to Mr. McClannahan today and clarified for him that she is not wanting to take business away from him, she is proposing to print ads in both papers, not alternate between papers. She wants to reach more people in the County and keep them informed. Mr. McClannahan does not object to this. She states that she believes advertising in both papers would be a direct benefit to the public and we should do it.

Commissioner Frost asks about the cost. Ms. Ansley replies that we spent approximately \$ 10,000 dollars advertising or publishing in the last fiscal year. Advertising/publishing in both papers would basically turn a cost of \$10,000 into \$20,000. All documentation hereto attached. **ACTION TAKEN.** Chairman Candelaria makes a motion to keep our budget and our advertising the way it is, alternating newspapers, for the remainder of this fiscal year. For our next fiscal year, departments can adjust their budgets to accommodate advertising/publishing in both paper if they want. Commissioner Frost seconds the motion. Ms. Ansley clarifies that we do not currently "alternate newspapers", our newspaper of record is the Mountain View Telegraph. Chairman Candelaria rescinds his motion. Ms. Jaramillo, County Clerk, speaks. She states that for many years, she only advertised or published in the Mountain View Telegraph. Recently she has alternated between both papers. She asks for clarification from Mr. Wallin about

the Mountain View Telegraph being the newspaper of record. Mr. Wallin states that he believes that more than one paper could be our paper of record, but he asks for more time to research this issue. **ACTION TAKEN** Commissioner Frost makes a motion to table this item. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED, ITEM TABLED**

14. Appointments to MRCOG Full Board (2 Positions) Ms. Ansley speaks. It was brought to her attention by the MRCOG that there was an issue with the Torrance County appointments. This issue was discussed at the last Commission meeting and was not resolved. Mr. Larry Horan, General Counsel for the MRCOG drafted a memo to Mr. Dewey V. Cave, the Executive Director of the MRCOG, titled, 'Determination on the process for membership on the Executive Board of the Mid Region Council of Governments'. *(The memo is included in the file for this meeting)*. Ms. Ansley discussed the memo with Mr. Wallin, and her interpretation of the memo is that the County should have two seats on the Full Board of Directors of the Council of Governments. That Full Board appoints an Executive Board member to sit on the Executive Board. Ms. Ansley further states that because Madam Commissioner DuCharme said that our appointments were incorrect, she put the appointment of the Full Board members back on the agenda so that the Commission could appoint two members to the Full Board. In conjunction to this, Commission Frost informed Ms. Ansley that he had been appointed to the RTPO Board of the MRCOG, but he had not been able to attend the meetings and would not be able to attend future meetings, and asked that this position be reappointed to someone else. Mr. Wallin comments that he reviewed the memo and it is as he expected. The County has two positions that are regular positions, on the Full Board. The Full Board then chooses who from Torrance County will be on its Executive Board. We appointed Madam Commissioner DuCharme to the Full Board and attempted to appoint Chairman Candelaria to the Executive Board, which was not appropriate for Torrance County to do. Mr. Wallin further states that the Commission can appoint two persons to the Full Board and then it is up to the COG Full Board to determine who is on the Executive. Madam Commissioner DuCharme states that we already did that. We already appointed two people on the Full Board and there was no mistake made or done there. She further states that she has intent to keep that position. She also received the MRCOG bylaws. She states that on page 8- #3 of the bylaws, it states 'the representative and alternates appointed by member governmental unit shall be an elected official or appointee of the elected officials of the member governments' - so we don't have two main representatives, we have one main

representative and one alternate. Ms. Ansley was the alternate before, and she was appointed the alternate again. She further states again that her intent is to stay on the Full Board and that she was already voted to be on the Executive Board by the Full Board in June. Commissioner Frost asks Mr. Wallin a question; in order to clear things up, if we redo the appointments and we nominate two for the Full Board, will that clear things up? Mr. Wallin replies yes and that his opinion concurs with the MRCOG General Counsel. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to nominate Madam Commissioner DuCharme and Chairman Candelaria to the MRCOG Full Board. Chairman Candelaria seconds the motion. Ms. Ansley comments that if we appoint two Commissioners to the Full Board, we have to publish a notice of quorum. Mr. Wallin states that she is correct. Madam Commissioner DuCharme states that both she and Chairman Candelaria cannot attend the Full Board, because one would be a full member and one would be an alternate. Mr. Wallin comments that Madam Commissioner DuCharme is referring to attendance for the Executive Board, not the Full Board; we are entitled to two representatives on the Full Board. Madam Commissioner DuCharme reiterates that she wants to be the representative on the Full Board. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

15. Appointment to the RTPO Board (1Position) Chairman Candelaria speaks. As previously stated, Commissioner Frost cannot attend the RTPO meetings and asks the Commission to reappoint for this position. All documentation hereto attached. **ACTION TAKEN.** Chairman Candelaria makes a motion to nominate Madam Commissioner DuCharme to the MRCOG RTPO Board. Commissioner Frost seconds the motion. Madam Commissioner DuCharme states that she cannot accept this nomination. **ACTION TAKEN.** Commissioner Frost nominates Chairman Candelaria to RTPO Board. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

16. Update

Ms. Ansley has a brief update for the Commission.

1. Mr. Wallin and Ms. Ansley received notice that High Lonesome Wind Project is being foreclosed on. They did some research and found out that what this means for the County is that the foreclosing bank will continue to make the payments until they find another buyer for the project. After the project is purchased, the payments will come from the new buyer.

2. The County received some good news regarding wind projects. We were notified by Iberdrola that the El Cabo Project has received the proper approvals and they hope to begin construction of this wind farm in December. This is great news for our County, and for the school districts in Estancia and Vaughn.

Public Requests:

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

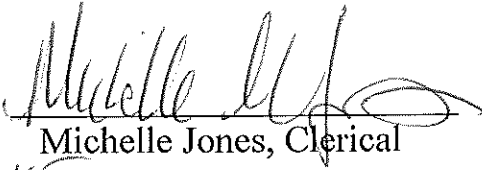
Cheryl Hamm, resident and representative from the Fire Department, speaks. Ms. Hamm has a quick update about the volunteer fire fighter banquet. The tentative date for the banquet is sometime in the second week of January. They are planning on having training for the volunteers, free CPR training for the public, informational booths, and an awards ceremony and banquet.

Michael Godey, resident, speaks. He suggests that anyone wishing to present an idea for a bond project have an organized, researched presentation. He also suggests thinking of a bond project that helps most of Torrance County, rather than a pet project for a few. The Commission should consider bond projects that concern safety and infrastructure, such as the police department, the fire department, and roads.

***Adjourn**

ACTION TAKEN: Commissioner Frost makes a motion to adjourn the November 9, 2015 Commission Meeting. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 11:49 am


Chairman Candelaria


Michelle Jones, Clerical

11/25/15
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.