

Final Copy
Torrance County Board of Commissioners
Commission Meeting
January 13, 2016

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

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

Call Meeting to Order:

Chairman Candelaria calls the January 13, 2016 meeting to order at 9:01 am. He welcomes all those present to the meeting and leads us in the pledge. Ms. Linda Jaramillo, County Clerk, gives the invocation.

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the December 23, 2015 Regular Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the December 23, 2015 Regular Meeting Minutes. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme requests an addition to item #3 on page 3 of the minutes. Madam Commissioner DuCharme comments that when this item was discussed during the Dec. 23rd meeting, she explained why she could not vote yes or no and why she abstained; that explanation is not stated in the minutes. She would like a sentence added stating that no information was provided that day for her to make a decision. (This requested information will be added to the minutes.) The Commissioners vote to approve the minutes with the requested addition; all in favor, none opposed. **MOTION CARRIED.**

Chairman Candelaria announces that Ms. Lauren Jones, an Estancia student and a member of the Business Professionals of America, is here today to observe our Commission meeting. Welcome Lauren!

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 comments that we are starting a new year; maybe with the new year, we need to have a bit of a new approach. She states that she would like to see Public Requests at the beginning of the agenda. Chairman Candelaria comments, "so noted". The Commission agrees to put an item on the next agenda to discuss and vote on the request to put the Public Requests portion of the Commission meeting agenda at the beginning of the meeting agendas. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Consent Agenda:

Chairman Candelaria asks for a motion to approve today's consent agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve today's Consent Agenda. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme states that the Road Department spent \$44,227.06 on this consent agenda. She asks Ms. Ansley, County Manager, if this amount is so high because of the recent snow storm which caused a high amount of fuel costs- \$24,817.55. Ms. Ansley replies yes, as a result of the storm a high amount of fuel was used by the department. Madam Commissioner DuCharme asks of the County will be reimbursed by the State for that. Ms. Ansley replies that yes, costs associated with the Emergency Declaration will be reimbursed. Now, Madam Commissioner DuCharme asks about the Road Department Grader/Equipment Lease payment in the amount of \$17,262.01. She states that she remembers that the County paid approximately \$10,000.00 for this kind of lease last year, and now we are paying a larger amount. Ms. Ansley comments that she does not know why the amount is larger, it might be two months combined; she will look into this. No further discussion. 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. Election of Commission Chair All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to appoint Chairman Candelaria as Commission Chair. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme states that she is opposed. She states that Chairman Candelaria has been the Chairman many times and we need to give opportunities to other Commissioners, including herself, to be a Chairperson. She states that she feels very sad that this Commission will not give her this opportunity. No further discussion. The Commissioners vote; two in favor, Madam Commissioner DuCharme is opposed **MOTION CARRIED**

2. Resolution 2016-01 Establishing County Policy Statute Compliance Ms. Ansley speaks. She reads the following resolution into the record:

RESOLUTION 2016-01

RELATED TO §10-15-1 N.M.S.A., (1978 ED.) DECLARING ALL MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS TO BE OPEN TO MEMBERS OF THE PUBLIC AND ADVERTISED AND POSTED AS SET OUT IN SAID STATUTE; RELATED TO §6-10-36 N.M.S.A. (1978 ED.) DECLARING THAT ALL DEPOSITS OF COUNTY FUNDS SHALL BE EQUITABLY DISTRIBUTED AMONG ALL QUALIFYING DEPOSITORIES; AND ESTABLISHING COUNTY POLICY RELATED TO PRESCRIBING COUNTY RULES, REGULATIONS AND POLICY MAKING DECISIONS, AND ESTABLISHING AN AFFIRMATIVE ACTION PROGRAM

WHEREAS, by motion and vote, this resolution having been duly written and executed this 13th day of January, 2016, the Board of County Commissioners of Torrance County, New Mexico resolves and declares that all meetings of the commission shall be open to the public and shall be properly advertised and/or posted in accordance with the prevailing state statute §10-15-1 NMSA (1978 ED.); and,

WHEREAS, the Board of County Commissioners of Torrance County, New Mexico resolves and declares that all public funds in the custody of Torrance County shall be deposited with banks which have qualified as depositories pursuant to the laws of the State of New Mexico and shall be equitably distributed between all such banks within the county, upon the basis of the relative capital stock and surplus of such banks in accordance with §6-10-36 NMSA (1978 ed.); and,

WHEREAS, the Board of County Commissioners of Torrance County, New Mexico resolves and declares the policy of Torrance County shall be established by the Board of County Commissioners and that the Board of County Commissioners shall prescribe county rules, regulations and policy-making decisions, and shall establish an affirmative action program to be adhered to by county personnel.

NOW THEREFORE, BE IT RESOLVED that a copy of the foregoing Resolution be included in the minutes of the Board of County Commissioners of Torrance County as a permanent record.

ADOPTED AND APPROVED this 13th day of January, 2016.

All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve Resolution 2016-01. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks Ms. Janice Barela, County Treasurer, about the portion of the resolution that states that all County funds should be equitably distributed among banks in Torrance County. She asks Ms. Barela if the County will be doing that this year. Ms. Barela replies no and explains why. Ms. Barela states that there are three banks in Torrance County: Wells Fargo, MyBank in Mountainair and a new bank in Moriarty. If this passes, she would have to take the total amount that we have currently in Wells Fargo and divide it into three equal parts and deposit those into the three banks; this is not feasible considering the amount of bills that go out each month. Ms. Barela states that she would be transferring funds between these banks all the time and paying for the wire transfers. Ms. Barela states that she is interested in putting some of the County funds into the all three banks. She is still in the process of getting all the County funds accounted for so she can get a good hard figure that can be worked with. Once she has this, she wants to have a Board of Finance meeting to review the County finances and see if there is money available to deposit into the other banks, perhaps as an investment. After some discussion, Mr. Huss, County Attorney, comments that ‘**equitably**’ does not have to mean ‘**equally**’, as long as the County is distributing the money in the most fair way possible. He further states that he believes it is within Ms. Barela’s purview, as Treasurer, to decide what an equitable distribution will be. The statute is not saying that the money must be equally distributed; the statute is intended to avoid a monopoly. Ms. Barela appreciates Mr. Huss’s comments. She reiterates that she is open to putting funds into the other banks in the County. No further discussion. The Commissioners vote; all in favor, none opposed **MOTION CARRIED**

3. Resolution 2016-02 Open Meetings Act Ms. Ansley speaks. This is the annual Open Meetings Act resolution. Ms. Ansley reads the resolution into the record:



Resolution 2016-02

WHEREAS, the Board of County Commissioners met in regular session at the Torrance County Administrative Offices on January 13th, 2016 at 9:00 A.M. as required by law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, council, commission, administrative adjudicatory body or other policymaking body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all time; and

WHEREAS, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs shall be held only after reasonable notice to the public; and

WHEREAS, Section 10-15-1(D) of the Open Meetings Act requires the Board of County Commissioners to determine annually what constitutes reasonable notice of its public meetings;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that:

1. All meetings shall be held at the Torrance County Administrative Offices, Commission Chambers at 9:00 A.M. or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held twice a month on the second and fourth Wednesday. The agenda will be available at least seventy-two (72) hours prior to the meeting from the County Manager, whose office is located in Estancia, New Mexico. Notice of any other regular meetings will be given ten days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
3. Special meetings may be called by the Chairperson or a majority of the members upon three days notice. The notice shall include an agenda for the meeting or information on how members of the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two (72) hours before any special meeting.

Emergency meetings will be called only under unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Board of County Commissioners will avoid emergency meetings whenever possible.

Emergency Meetings may be called by the Chairperson or a majority of the members upon twenty-four (24) hours notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda. Within ten (10) days of taking action on an emergency matter, the Board of County Commissioners will notify the Attorney General's Office.

4. For the purposes of regular meetings described in paragraph two (2) of this resolution, notice requirements are met if notice of the date, time, place and agenda is placed in newspapers of general circulation in the state and posted in the following locations: Administrative Offices of Torrance County. Copies of the written notice shall also be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
5. For the purposes of special meetings and emergency meetings described in paragraph three (3) and four (4) of this resolution, notice requirements are met if notice of the date, time place and agenda is provided by telephone to newspapers of general circulation in the state and posted in the Administrative Offices of Torrance County. Telephone notice also shall be given to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.

6. In addition to the information specified above, all notices shall include the following language:

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Torrance County Manager's Office at 205 9th Street Room 12 Estancia, NM 87016 (505) 544-4700 at least one week prior to the meeting or as soon as possible. Public documents, including the agendas and minutes, can be provided in various accessible formats. Please contact the Torrance County Clerk's Office at 205 9th Street Room 1 Estancia, NM 87016 (505) 544-4350 if a summary or other type of accessible format is needed.

7. The Board of County Commissioners may close a meeting to the public only if the subject matter of such discussion or action is excepted from the open meeting requirement under Section 10-15-1(H) of the Open Meetings Act.
- (a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Board of County Commissioners taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
 - (b) If a closed meeting is conducted when the Board of County Commissioners is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.
 - (c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
 - (d) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussion in a closed meeting shall be made by vote of the Board of County Commissioners in an open public meeting.

PASSED by the Torrance County Board of Commissioners on January 13th, 2016.

All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to accept Resolution 2016-02 Open Meetings Act. Commissioner Frost seconds the motion. Madam Commissioner DuCharme comments about #4 of the resolution, which states that notice of meetings should be posted in the following locations: Administrative Offices of Torrance County. Madam Commissioner DuCharme states that notice is also posted on the Torrance County website. She further comments that she hears feedback from many people who don't have internet access that notice of meeting should also be posted at post offices, in libraries, and in community centers. Madam Commissioner DuCharme now asks about having evening Commission meetings from May-October. Chairman Candelaria states that this suggestion can be put on a Commission agenda and be discussed. After some discussion, the Commission decides to add 'Torrance County Website' to the resolution as another place to post notice of meetings and to discuss having evening Commission meetings at a later date. No further discussion. The Commissioners vote. All in favor, none opposed.
MOTION CARRIED

4. Commission Update(s)

Commissioner Frost comments that both the County Emergency Manager and many people from Moriarty did a great job handling the recent snow emergency; keeping people overnight, taking care of them and feeding them. We are all proud that there were no injuries or deaths due to this emergency. Thank you!

Madam Commissioner DuCharme reads the County's mission statement:

Torrance County is committed to effective, efficient and responsible public policy, excellent public service, courteous public contact, sensitivity to cultural beliefs and preservation of their heritage, providing quality services as required by law or mandated by the public, enhancing the health, safety and general well-being of the citizens of Torrance County and conducting county operations in a legal, ethical and fair manner.

Madam Commissioner DuCharme states that she thinks we have an excellent mission statement and we need to put every effort we can to live up to this statement. She now takes this opportunity to thank the County Manager, the Sheriff and the Sheriff's Department, the County Emergency Manager, the Road Department, and everyone who was involved in responding to our recent snow storm. She states that she spoke to Mayor Hart of Moriarty and he told her that he could not be more proud of the Torrance County team that responded. Thank you!

Madam Commissioner DuCharme now states that she wants to express how irritated and angry she is. She was contacted by some Torrance County residents about County Road 07, Cuervo Canyon Road. She clarifies with Ms. Ansley that this is a county road; Ms. Ansley states that it is a County maintained road. Madam Commissioner states that she went to look at this road and she was amazed to see this kind of road in the County. She has never seen a road of this level of quality before. There are two or three residences on this dead end road and it looks like a fairy tale. Madam Commissioner DuCharme states that it is good that we have this quality of road in the County, but what makes it so special? Why don't we have this quality of roads in other places? Why in most cases do we hear only excuses; we don't have money, we don't have resources, we don't have man power, etc. She encourages every resident in Torrance County to look at Cuervo Canyon Road. It is located off of Hwy 55, right beyond Torreón. Look at that road and know what to wish for.

Chairman Candelaria comments that he was really proud of the way our County Road Department handled our recent snow storm. We had 20+ inches of snow, and now comes the mud. People need to be aware and remember that many of our roads are dirt roads. We have to be patient until this is over. The Road Department has been hard at work. They did an outstanding job and deserve credit. We have to remember we have over 900 roads within the County and only a handful of people working on them. The Road Department deserves a pat on the back instead of criticism all the time.

5. Ratification of Resolution 2015-55 Emergency Declaration Chairman Candelaria speaks. This was the emergency declaration that the Commission had to sign due to the recent snow storm. Each Commissioner signed this resolution that now needs to be ratified. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2015-55 Emergency Declaration. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

6. Request Extension of Annual Leave Carry Over (100+) Ms. Annette Ortiz, Deputy County Manager, speaks. County policy states that any employee's annual leave carryover above 100 hours gets wiped out after January 1. Several County departments had staff that had scheduled to take time off between Christmas and New Year's. The storm hit and these employees were not able to use these hours. The Manager's office is requesting a one-time annual leave carryover until March. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to extend the annual leave carry over until March 2016. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

7. Professional Services Agreement with Accu-Disclose, LLC for Continuing Disclosure/Dissemination Agent Services Ms. Ansley speaks. Because of the G.O. Bond that the County voted for in 2001 for the building of the Judicial Complex, the County has to do an annual disclosure statement. RBC Capital markets is the company who handled the G.O. Bond and they have always done the disclosure/dissemination agreements. They are no longer doing this. The individual that wrote the actual disclosure/dissemination agreement for the County has moved to a new company- Accu-Disclosure. She has agreed to do this final

disclosure/dissemination agreement on the G.O. Bond for us, however we don't have a professional service agreement with Accu-Disclosure. This is the professional services agreement between Torrance County and Accu-Disclosure LLC in the amount of \$3,000.00 +GRT. Ms. Ansley requests the Commission approve this agreement. The company is new, but the agent who will be writing the disclosure/dissemination agreement is the same person who has been writing it for the County for the last 15 years. As the bond is maturing this year, this will be the last disclosure/dissemination agreement we will need for this bond. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the agreement with Accu-Disclosure, LLS for Continuing Disclosure/Dissemination Agent Services. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks Mr. Huss if RBC could have any legal grounds to go after the County if we do this agreement. Mr. Huss state that he does not think so. Ms. Ansley comments that RBC no longer issues disclosure/dissemination agreements. The County was contacted by RBC and informed that we had to find someone else to do it this year. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

8. Clarification(s) for Issuing an RFP for Solid Waste Collection Services

Madam Commissioner DuCharme speaks. She put this item on the agenda. In May 2014, the Commission made the decision to issue a Request for Proposals for solid waste collection services in the County. A year and a half later, this is still not done. Madam Commissioner DuCharme further states that a few meetings ago, Ms. Ansley said she needed more clarification before issuing an RFP. This item is on the agenda in order to give her those clarifications. Ms. Ansley replies that technically, this is a question for our Purchasing Director Ms. Leslie Olivas, who drafts the County's RFPs. Ms. Olivas, comes to the podium and speaks. She comments that she needs the Commission to tell her exactly what they want her to write; the only thing the Commission has told her in the last year and a half is that we need to do an RFP. She asks, does that mean collection services? Personnel? She states that this is such a broad issue that without clear instructions, there is not much that she can do. Do we want it for just the billing? Or do we want someone to actually provide the services? Madam Commissioner DuCharme asks what kind of services we receive from the EVSWA. Ms. Ansley replies that we receive three areas of service: billing, collection, and landfill. Madam Commissioner DuCharme suggests focusing on collection services and billing services and exclude the landfill and see what participants will propose. Ms. Olivas asks if the Commission wants two separate RFPs, one for billing and one for collections, or just one. Madam Commissioner DuCharme states that it should be one. She also suggests

that Ms. Olivas contact Lincoln County, who has already gone through the process. Ms. Olivas replies that she can start the process, but would like to discuss this with the Commission again as it is not as simple as it is being made out to be. Chairman Candelaria states that Ms. Olivas can come up with a draft and place it on a meeting agenda for the Commission to vote on it. Madam Commissioner DuCharme states that she does not need to do that, the decision to go forward with an RFP was already made. This is the opportunity to discuss it and go forward. Ms. Ansley states that there was a consensus of the Commission, not a vote, and that research was done looking at the minutes. Ms. Olivas asks for direction in writing from the Commission on how to proceed. Ms. Olivas further comments that the reason she is concerned is because, according to the Procurement Code, if she does something incorrectly, it could result in a felony. Madam Commissioner DuCharme states that it is the same with every RFP and EVSWA would be permitted to participate. Ms. Olivas asks for more specifics about what collection services the Commission wants to request on the RFP. Madam Commissioner DuCharme replies to ask for whatever we are receiving now from the EVSWA except the landfill. Commissioner Frost comments that we are acting a bit prematurely considering that we will be holding a Public Hearing on the County's solid waste ordinance later in this meeting. Ms. Olivas agrees. Madam Commissioner DuCharme comments that we need to act in the best interest of the County and this RFP will help us to do that and the decision to go out for an RFP has already been made- Ms. Olivas just needs to execute it. Ms. Ansley is asking if the Commission is voting to direct Ms. Olivas to go out for an RFP. Madam Commissioner DuCharme reiterates that the Commission has already decided to do this- no vote today is needed. **NO ACTION, DISCUSSION ONLY**

***Department Requests/Reports:**

9. Updates:

Jesse Lucero, Deputy County Assessor, speaks. The Assessor's Office will be conducting protest hearings in April. Every two years, the Commission must appoint two members to the Protest Board. Mr. Lucero provides the Commission with a copy of the applicable statute and a list of their current board members and alternates. (*This information is included in the file for this meeting.*) He asks the Commission to review that statute and the list. He will come back before the Commission at the next meeting for a decision about the Protest Board members.

Linda Jaramillo, County Clerk, speaks. She is here today to talk about a citizen of Torrance County, Ms. Lauren Jones. Lauren is a junior at Estancia High School and is Ms. Jaramillo's "bestie"; Ms. Jaramillo has known Lauren since she was 9 years old and has watched her grow. Lauren was recently chosen to participate in a spring program at the prestigious Brown University. Her mother, Ms. Michelle Jones, is raising money to pay for the expenses of sending Lauren and is holding a raffle. Ms. Jaramillo comments that Lauren is an outstanding person, an outstanding student and wants to become a doctor. Ms. Jaramillo comments that, having worked for Dr. Saul for fifteen years, she is so proud that Lauren has chosen this profession. She asks all in attendance to consider donating to help Lauren. Chairman Candelaria comments that he has a niece who attends Brown and congratulates Ms. Lauren Jones on this achievement.

Cindy Sullivan, TC Animal Shelter, speaks. She presents the following written update:

Torrance County Animal Shelter

January 05, 2016

Cindi Sullivan Shelter Director

REPORT FOR: **2015**

Total number of animal-	453
Live exits:	283
Stray euthanized:	58
Owner turnover euthanized:	104
Area animals came from -	
Torrance County-	392
Mountainair-	6
Morlarty-	51
Estancia-	4
Still in shelter-	4

DOGS: 364 CATS: 70 OTHER: 19 BITE CASES : 5

EMPLOYEE STATUS : FULL-TIME EMPLOYEES 2 TIME PART- EMPLOYEES 3

Cindi Sullivan 12 yrs (FT) Danette Huckins 8 years (FT) Karl Fowler (PT) Sarah Risacher (PT) Michael Seager(PT)

NEWS AT THE SHELTER :

Happy New Year to ALL. I will list some of our Brightest Highlights of 2015 below.

- 1- Fully Staffed
- 2- We have been so delighted to have Hilga Carter coming in to take professional photos of all our animals. We have seen a raise in interest and adoptions and rescue groups, since she has started with us!! She has also been a huge factor in helping us create the following new relationships.
- 3- Joined forces with several new Rescue groups, Rocky Mountain Puppy Rescue and OutPaws both in Colorado. NM Pets Alive (Albuquerque) and continue to transfer to NM Animal Humane (Albuquerque). We are also working with a group called Underdog Express - they do all the transporting to the Colorado Rescues.(Atresia ,NM)
- 4- We received a Pallet full of food from Long Leash on life.(for the pantry)
- 5- We received 700 lbs of food from Maria Madina from her food drive. (for the pantry)
- 6- A big "THANK YOU" to the A102 group for all their continued support and all the donations they continue to bring to us!!
- 7- The Independent paper did a very nice article on the shelter in December, Thank you to Leota Harriman for attending our event and the wonderful article.

We have also sold 88 more licensed this year than the year of 2014!

We are hoping to move forward with a couple of projects this year.

1-Build a small cat room with a quarantine area, and good ventilation. Cats are currently being housed in the Break/Training room. Its very small and no ventilation. We can only house 3-4 cat currently, with no isolation room if we have ones that may appear to be ill.

2-Remodel the front foyer. At this time it is falling apart and provides no security for the Shelter personal. People bring animals into the front office, instead thru the kennel area. We have also had some very upset residence, that have been threating and violent, which we had to call the Sheriff's Department to have them removed. If we build a new entry way with a desk and security glass window, this will solve several issues we are currently dealing with.

TORRANCE COUNTY LICENSES PURCHASED:

(2007: 4) (2008: 15) (2009: 92) (2010: 73) (2011:102) (2012: 76) (2013: 72) (2014: 137) (2015: 225) TOTAL : 796

PET FINDER INTERNET HITS (VIEWS) and ADOPT A PET HITS (VIEWS)

*******WE ARE AVERAGING 10,500 VIEWS PER MONTH **,*******

****PLEASE NOTE -New format in report. **Stray means animals not reclaimed by their owners. ** Owner Turnover means animals brought in to the shelter by the owners, Euthanasia refers to animals not meeting the standards set forth as "adoptable" for reasons such as extremely aggressive, elderly , behavior problems ,injury or medical problems.**

**Torrance County Animal Shelter
2015 Monthly Stats**

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Torrance	24	10	37	41	45	46	53	50	24	25	23	14	392
Moriaty	6	1	6	4	0	4	3	4	4	6	3	10	51
Mountainair	1	1	0	1	0	0	0	0	0	1	2	0	6
Estancia	0	0	0	0	0	2	0	2	0	0	0	0	4
TOTAL #	31	12	43	46	45	52	56	56	28	32	28	24	458
Dogs	30	10	33	42	23	50	43	38	23	27	24	21	364
Cats	1	1	10	0	19	2	10	17	3	3	2	2	70
Other	0	1	0	4	3	0	3	1	2	2	2	1	19
TOTAL #	31	12	43	46	45	52	56	56	28	32	28	24	458
Adopted	5	2	4	1	2	1	5	10	1	2	3	1	37
Rescued	1	0	4	8	26	2	16	6	1	6	2	6	78
Shelter2Shelter	5	3	12	11	3	11	15	16	3	8	5	0	92
Claimed	7	1	8	4	6	19	9	1	12	4	3	2	76
Stray-Euthanized	3	4	2	9	5	4	4	5	7	7	5	3	58
OT-Euthanized	10	2	12	13	3	15	5	17	4	5	10	8	104
DOA	0	0	1	0	0	0	1	1	0	0	0	0	3
Spay Contract	0	0	0	0	0	0	1	0	0	0	0	0	1
Still in shelter	0	0	0	0	0	0	0	0	0	0	0	4	4
TOTAL #	31	12	43	46	45	52	56	56	28	32	28	24	458
Escaped	0	0	0	0	0	0	0	0	0	0	0	0	0
Bite Cases	0	1	0	2	0	0	0	1	1	0	0	0	5
CUM. TOTAL	31	43	86	132	177	229	285	341	369	401	429	453	458

The Commission thanks Ms. Sullivan for her work at the shelter and for her report. Commissioner Frost comments that the two improvements Ms. Sullivan mentioned in her report sound like very good improvements. Ms. Sullivan states that she will get together with Ms. Ansley and come up with a proposal for the improvements.

Nick Sedillo, Risk Manager/ Safety Officer, speaks. He informs all that he and Ms. Ansley received an email yesterday from the NMACO informing them that Torrance County is the winner of the 2015 Safety Award- Division 2 Program. This is the second year that Torrance County has won. Mr. Sedillo thanks the employees, stating that without the employees taking this seriously, we would not be here today. We beat 7 other counties. Mr. Sedillo wants to personally thank all the employees of Torrance County and our Risk Awareness Program Instructors for their dedication to the program and their dedication to safety. Chairman Candelaria commends Mr. Nick Sedillo on his outstanding work with our safety program.

Javier Sanchez, Emergency Manager, speaks. He submits the following written report:

Torrance County Commission Update
From Torrance County Emergency Management
January 13, 2016

Current Ongoing Grants/Projects:

1. **FY13 Disaster Recovery Grant:** Projects 37 and 80 remain outstanding and are scheduled for completion by the end of February 2016. The grant is valued at \$169,855.22.
2. **FY14 State Homeland Security Grant:** Project #2 is pending completion by the end of January 2016. The grant is valued at \$60,904.71
3. **FY15 State Homeland Security Grant:** Project #1 is pending completion by the end of January 2016. The grant is valued at \$6,000.00
4. **Hazard Mitigation Planning Grant:** A final draft of the plan is being prepared for submission to the State for approval in mid-January 2016.
5. **FY16 State Homeland Security Grant Program:** The grant guidance has been released by the state and a local multi-agency/jurisdictional grants meeting towards the creation of an application will take place on January 26, 2016.
6. **WIPP Grant:** The 2015 project completed for this grant. The 2016 project will be planned at our grants meeting on January 26th.
7. **Torrance County EOC Exercise:** A drill was carried out in December 2015.
8. **2016 CRI Program:** Torrance County EM will participate in this year's exercise and the MOU is fully executed.
9. **CERT Program:** A training class is being planned for February 2016.

10. **Community Wildfire Protection Plan:** This plan is being worked on in coordination with the Claunch/Pinto Soil and Water Conservation District. An MOU has been fully executed and a contractor has been selected, whereby the revision will begin by mid-January 2016.
11. **After-Action Report/Improvement Plan “2015 Moriarty Shelter Operations”:** The AAR meeting was held at the Moriarty Civic Center and was well-attended by stakeholders who provided valuable information towards the compilation of the AAR. A draft of the AAR has been submitted to the City of Moriarty and County Management for their feedback. Once that is done, then it will be released to stakeholders for comments and then finalized. Implementation of recommendations are currently scheduled to take place within six months of plan finalization.
12. The Torrance County local Emergency Planning Committee will convene on January 28th.

Madam Commissioner DuCharme takes this opportunity to thank Mr. Sanchez for organizing a very good meeting yesterday; it was very informative and well run.

10. Contract Renewal & Amendment for HVAC Maintenance and Service between Torrance County & RMS Services – Leslie Olivas, Purchasing Director Ms. Olivas speaks. This is the renewal for the HVAC contract with RMS services. The County is exercising its second year option to renew the contract. The contract contains a slight amendment; they are taking the boiler off their coverage. Ms. Olivas further states that we have been very satisfied with their services. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the contract renewal and amendment for HVAC Maintenance and Service between Torrance County and RMS Services. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

11. Contract Renewal for On-site Maintenance & Repair of Fire Department Engines & Apparatuses between Torrance County and NM Apparatus- Leslie Olivas, Purchasing Director Ms. Olivas speaks. Like the previous agenda item, we are exercising our option for renewal for a second year with NM Apparatus. The Fire Department has been using them consistently and has not had any complaints. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the contract renewal for on-site Maintenance & Repair of Fire Department Engines & Apparatuses between Torrance County and NM Apparatus. Madam Commissioner DuCharme seconds the motion. Madam

Commissioner DuCharme asks if the County could possibly hire a mechanic and train him to do this work at a less expensive rate. Ms. Ansley comments that this would be something to discuss at budget time. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

12. Resolution 2016-03 Line Item Transfer(s) - Amanda Tenorio, Finance Director Ms. Tenorio speaks. She requests approval for Resolution 2016-03, Line Item Transfers. These line item transfers are within the requesting departments budgeted funds. All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to approve Resolution 2016-03 Line Item Transfers. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

13. Resolution 2016-04 Budget Increase – Amanda Tenorio, Finance Director Ms. Tenorio speaks. She is requests approval for Resolution 2016-04 Budget Increase. This increase is for the District 6 State Fire Allotment. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve Resolution 2016-04 Budget Increase. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

14. Request Out-of-State Travel to Las Vegas, NM for US EXPO Conference- Cindi Sullivan, TCAS Ms. Sullivan speaks. Her department was unable to attend this training last year. The coversheet of her requests states:

This letter is to request out of state travel for Cindi Sullivan and Danette Huckins.

I am requesting approval for out of state travel for the Humane Society of the United States EXPO conference. This training is in Las Vegas, NV. We did not make it to the conference last October, it was in Nashville and we did not want to have the extra expense of Airline travel, so we opted to wait for the Vegas conference. We are required to attend continuing education classes to retain our Euthanasia certification through the State of NM. Euthanasia techs must get 12 hours and Instructors 24 hours. We do have all funds available in the budget for the training and Millage and Per Diem. We are able to drive, this greatly decreases the cost of the training. I will list all charges below.

Conference fee- early registration (Before March 11,2016) is \$200.00 each \$250.00 after March 11, 2016

Hotel- Special Conference rate- for 2 people (one room) \$720 + taxes

All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the request Out-of-State Travel for Cindy Sullivan and Danette Huckins to Las Vegas, NM for the US EXPO Conference. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks if there will be people to work at the shelter in her absence. Ms. Sullivan replies yes; she has enough staff to cover this absence. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

15. Request Out-of-State Travel to Tucson, AZ for Home Visiting- Michelle Castillo, TCPO Ms. Berta Espinosa-Moore speaks. Ms. Castillo was unable to attend today's meeting. Ms. Espinosa-Moore is requesting that the Commission approve out-of-state travel to attend the Parents as Teachers Affiliate training. This will be held in Tucson Arizona from January 28th -29th. They are requesting approval for the training, hotel, and airfare. Ms. Castillo has the funds in her budget for this training. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the request for out-of-state travel to Tucson, Arizona for Home Visiting training. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks if it is a requirement that all five of the Project Office staff attend this training. Ms. Espinosa-Moore replies that it is not a requirement, but they prefer to all attend at the same time. Madam Commissioner DuCharme asks how much this will cost. Ms. Espinosa-Moore replies that the affiliate training will cost approximately \$1,700.00 for all five attendees. She does not have an exact figure on the hotel. She states that the airfare will cost approximately \$400.00 round trip per person. Ms. Espinosa-Moore reminds the Commission that they were allotted a certain amount of funding to use this fiscal year and they have more than enough to cover this expense. No further discussion. The Commissioners vote. All in favor, none. **MOTION CARRIED**

***County Manager Requests/Reports:**

16. Update

Ms. Ansley has no written update today. She reminds the Commission that there will be a Special Meeting tomorrow in order to hold a Public Hearing to discuss the GO Bond and to conduct the inspection of the prison.

17. Request Approval of Grant Agreement for 2014 STB Projects Ms. Ansley speaks. These are the grant agreements from DFA for the Severance Tax Bond Projects that were received in 2014. The projects are in the amounts of \$40,000.00 for equipment for KXNM Radio Station and \$200,000.00 for a CAD system for Dispatch. Ms. Ansley asks the Commission to approve these two grant agreements so that the County can move forward with the expenditures. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the Grant Agreements for the 2014 STB Projects. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks if these grants have a match. Ms. Ansley replies no as this is a legislative appropriation. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

18. Revised Fiscal Agent Agreement w/ MRCOG 2015 STB Projects Ms. Ansley speaks. She states that we have been entering into fiscal agent agreements with the MRCOG for the legislative appropriations as per the Governor's executive order. We have already approved this MOU with the MRCOG, but DFA did not like the language so they decided they were going to rewrite their own fiscal agent agreements, which fell through. Ms. Ansley further states that because we had already gotten a fiscal agent agreement approved for the legislative appropriations attached to the grant agreements that the Commission has already approved, DFA asked us to copy the same format. Ms. Ansley now asks the Commission to approve the revised fiscal agent agreement for the 2015 Severance Tax Bond Projects which include an additional \$70,000.00 for the CAD system for Dispatch and \$21,400.00 for vehicles for the Sheriff's Department. In order to get those grant agreements, we need to get this fiscal agent agreement executed. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the Revised Fiscal Agent Agreement w/ MRCOG 2015 STB Projects. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

***Public Hearing:**

As part of our efforts to keep residents, business owners, and other members of the public informed and involved in the decision-making process, the Torrance County Commission is seeking input regarding the proposed revisions of Solid Waste Management Ordinance, 94-12.

Chairman Candelaria explains how this Public Hearing will be conducted. There is a sign in sheet for anyone who wants to speak during this hearing. Person on the list will be given 5 minutes each to speak. Anyone who has signed up to speak can donate their 5 minutes to another speaker if they wish. Speakers are asked to first state their name for the record and then begin speaking.

Below is the list of speakers and a **brief** summary of what they said:

William A. Lothrop speaks. He states that he is United States Navy retired and a citizen of the United States of American. He is opposed to a \$20.00 a month trash fee for trash that is not even picked up and to the EVSWA placing liens, which he believes is illegal. He believes he should have the choice to pick and choose the method of disposal for his trash that he can best afford.

Sieglinde Alexander speaks. She is a resident of Moriarty Heights. She states that she agrees with Mr. Lothrop. She pays \$60.00 a quarter to bring a 30lb bag of trash every 14 days. People who bring truckloads of trash pay the same amount; something is wrong with this contract. Ms. Alexander now comments that she keeps her property clean, but her neighbor does not. Code enforcement is not willing to do anything about her neighbor. In spite of sending 4 emails, nothing is done. Ms. Alexander now talks about the “highly praised” Road Department. Last year, Raita Road was graded one time; after sending 4 emails, it was done three months later.

Cody Brister speaks. He is the founder of the Stop Torrance County Corruption Coalition. He states that the Torrance County Solid Waste Ordinance is in violation of NM State Statutes 4-56-1 thru 4-56-3, which are the stated and quoted statutes on the ordinance that give them the Authority to collect fees. He further states that these accounts are opened without an individual’s knowledge or consent the day they sign on a mortgage or real estate contract. The fees are due even if you hire another waste company, never use their facility, own a home here and live elsewhere, or are too disabled to use the facilities, or simply wish to take your trash elsewhere. Mr. Brister states that he runs an \$8.00 load to Bernalillo about once

every four months. He is getting the same amount of service, doing the same amount of work and paying 8 dollars every 4 months, instead of \$60 dollars every three. NM state statute 1978 4-56-3 states that the Authority may establish, assess, and collect fees from persons using the disposal sites. Nowhere does NM state law give any Authority to collect fees from persons not using the disposal sites or facilities. In ordinance 94-12, it has been cleverly stated that payment of solid waste management fees shall be the obligation of the responsible party for each residence located in the unincorporated area of Torrance County. Mr. Brister states that this is in direct violation of state statutes and we need the word "obligation" changed out. The rest of the state uses a 'pay as you go' system which is the only legal option that we have. 25 % of our county is currently under legal action from the Waste Authority because of this ordinance; because they do not or cannot use the services. Mr. Brister knows a man who has no legs and cannot operate a vehicle. He has hired Mora trash service, and still has to pay the EVSWA \$200 a year for absolutely zero service.

Lonnie Freyburger speaks. He wants to speak about the current proposed changes to the ordinance. He asks Mr. Huss if the Commission is acting in a quasi-judicial capacity today. Mr. Huss replies they are not; this is a hearing to obtain public comment, nothing is being adjudicated today. Mr. Freyburger states that he wants Chairman Candelaria to recuse himself from today's proceedings. He states that on May 14, 2015 the Commission voted to accept the EVSWAs contract. This was a contract that was negotiated by Ms. Ansley and Mr. Ellis. At that time, the Commission directed Ms. Ansley to go out for an RFP. On April 9, Mr. Candelaria visited the Authority and told them he was 100% behind them before a vote on the contract was taken. Mr. Freyburger states that this leads him to believe that Mr. Candelaria and then Commissioner Tapia may have conspired because they did not want to take the time to read the contract. Mr. Freyburger now talks about the proposed deletion of discounts from the ordinance. The way the ordinance reads now, customers will have to pay the amount for full service, even if they hire a private hauler. He states that if the Commission passes this, that will effectively illuminate trash service in this County; who would pay for the service from the Authority and service from a private hauler. The trash companies in this County would file suit against this Commission and this County for putting them out of business. Mr. Freyburger now states that the County has decided to pay off EVSWA any type of liens or any type of fees that people don't pay. He asks the Commission if they plan on collecting that money from the citizens. Would the County then place liens.

Mr. Freyburger's time is up; Ms. Mary Ann Ende gives Mr. Freyburger her 5 minutes.

Mr. Freyburger now asks what liens the County will pay or place on people. He states that this is a very poorly constructed ordinance. Now veterans will no longer get discounts, people with disabilities will not get discounts. The Authority states that it is losing money, but still gave their employees raises and give \$20,000.00 worth of bonuses. Mr. Nick Sedillo runs a very successful safety program without giving bonuses. If you manager effectively, the trash Authority could make money and still save money for the citizens. He states that he is here to tell the Commission, just like Mr. Saline- who apparently didn't get punished for the way he spoke to a Commissioner- that you can take this ordinance and wad it up and I don't even think it's good enough to wipe your ass.

John Lindsey speaks. Most people know him as Little John, a name his grandmother gave him. The name reminds people of Robin Hood, who stood up for the poor, like the gentlemen who spoke before. He states that in 2004 his father-in-law died so he and his family moved his mother-in-law in to live with them. They paid two trash bills: his and hers. In 2008, she died. They sent in a death certificate. He went back to school and borrowed money on his property. Then he began receiving letters about a bill for a second residence; he does not have a second residence. There is no one living in that second dwelling; he sent the EVSWA a letter about this. Then he received a letter stating that he was being ordered to pay, but he could apply for a discount. Apply for a discount for a service he does not receive? Is this a tax? Why get a discount to pay for services that were not performed? It's wrong, it's illegal. Mr. Lindsey tells the Commission, I need you to represent me. I have a towing company and I go out and help people and people are starving in this community and you guys are taxing the hell out of them. You have the Authority to make these ordinances, but you also have the Authority to protect us. He states that the other disappointment he has is being here today and seeing that the only person asking question is this lady right here, (Madam Commissioner DuCharme).

Charlene Guffey speaks. She states that the main concern about this ordinance is removing the discounts and having the County pay for subsidizing the service. Most of the people are here to complain about the costs, the liens, and that there is corruption. She states that these are the few people who think they deserve freebies. For the rest, we feel these services are the best for Torrance County residents. Even the ones who pay for private haulers are using the stations on a

weekly basis. Why? Because their private hauler will not pick up bulk items or recycling tires, oil, ash, tree branches, metals, etc. It takes all of us together to make this service work. People feel if they pay this amount, they see no benefits. There are benefits. It cuts the cost of illegal dumping and keeps the Road Department working on the roads instead of cleaning up dumps on the sides of the roads. With manned stations, you can regulate hazardous waste and other potential hazards that will end up in our ditches, on our roads, and in our water system. About the liens on properties, EVSWA does not make the County sell your house, this is a lie just like the other lies that have been going around. The only way your house will be sold is if you don't pay your property taxes for years. EVSWA allows you to still dump, even with a lien on your property, private haulers will not. The price we pay and what we get to dump here in Torrance County is very comparable to other counties. Every county in New Mexico has their own set of challenges with their solid waste. The only thing we in Torrance County can do is set an example of how well a trash system should run. A study was done which was presented to Torrance County on how the service we are paying for is doing. In summary, the study says that Torrance County has a good solid waste system that works and that private hauling would create more illegal dumping and costs will rise. Ms. Guffey further states that she is in favor of the ordinance changes to get rid of all discounts and have the County pay to subsidize this service. She does not want private haulers on the County roads. *(The cost breakdown Ms. Guffey presented to the Commission is included in the file for this meeting.)*

Charles Armijo speaks. He is a lifelong resident of Torrance County. He states that he believes this is a complicated issue that has to be dealt with. He encourages the Commission to consider some of the suggestions that have been made. To give some perspective in terms of the procurement process and to back up the Purchasing Director, the process in which you put something out to RFP is quite complicated. Mr. Armijo states that he does not believe this is a stall tactic, it really is that complicated. If anything, we need to ask the Commission to help her move forward with getting the "T"s crossed and the "I"s dotted. This will take patience, cooperation, and mindful consideration by the Commission to do the right thing and make the right choice and protect the citizens of our County.

Therese Cooper speaks. She resides right outside of the Moriarty city limits. She states that the people at this meeting are a representative group of the people that live here in Torrance County. Everyone in here knows what happening with the trash Authority and they realize that they are paying for service that they are not getting. Most people here feel that they should be able to 'pay as they go', and that is reasonable. Why is that not reasonable to the majority of the Commission board?

Why would we want to pay for a service that we are not receiving? That is a tax. The Authority comes before this board every year or more to try and get a raise. This is their way to get their raise, take the discounts off. Ms. Cooper tells the Commission that these people here are the constituents, they voted you in. You are responsible to listen to the people of the County. You are not listening to us. Ms. Cooper states that she was in the audience at the meeting when the Commission decided to go out to RFP for the solid waste service. Now that it is brought up, there is a question about whether or not there was a motion on that. It should have gone out to bid and it never has; this is a gross grievance. Stop taxing the people unfairly. Do right by the people; it's the people you represent, not the trash Authority.

Art DuCharme speaks. He reads the following written statement:


I am Arthur DuCharme, Torrance County resident, and one of the two Moriarty representatives on the EVSWA Board of Directors. At the February, 2015 Board Meeting, Mr. Ellis informed the Board that the Authority was losing \$140,000 on their contract for solid waste collection with Torrance County. He said Ilen redemption had offset this loss by \$70,000, leaving a deficit in the contract of about \$70,000. This loss in revenue came after only 7 months of operation under the new County contract that gave EVSWA a 42% hike in customer fees. He attributed the loss to a drop-off of regular customers and movement of accounts to the low-income and use of a private hauler category.

At a special meeting last July, Salline recommended and received approval that the three County representatives on the Board, Ansley, Tapia, and him, be appointed to negotiate with the County on the contract. Representative Shandfelt from Moriarty joked that this would allow Ansley to talk to herself. This so-called negotiating committee reported back a few proposed reductions in services at the August meeting and said there were definitely no plans to increase the rates on County customers. At the September, 2015 meeting, Tapia reiterated that no customer rates would be increased, but that Board member suggestions would be accepted on changes to 94-12, if sent in writing to the Committee. I was the only Board member that submitted these suggestions. Their rewrite of 94-12 shows that these suggestions, which I am again submitting today to the Commission, were totally ignored by the Committee. In fact, the Committee never showed their rewrite of 94-12 to the EVSWA Board or allowed any further discussion of it at any meetings. The rewrite of 94-12 that Salline presented to the Commission on November 25, 2015 would allow the EVSWA to raise the rates on hundreds of customers now in the low-income accounts and those using private haulers. Vacant residence accounts would also go up unless specifically allowed by the Commission.

The truth of the matter is that the so-called County representatives are not serving the best interests of County residents for dependable and cost-effective waste collection and disposal. It was estimated last year that over 40% of Torrance households are low income. The Commission should reject the changes recommended by this Board Committee that serves only the needs of the Authority to constantly boost their income on the backs of County citizens who are poor, disabled, or veterans. The Committee changes, if adopted, will also drive private haulers out of business.

I have participated in every EVSWA Board meeting since being appointed in March, 2014. The EVSWA needs more and more income to sustain their high management salaries, to pay their attorney to fend off requests for more information, and to provide contracts to Board members who own businesses.

The Attorney General's Office is currently investigating numerous complaints concerning EVSWA business practices.


Arthur DuCharme

Lastly, Mr. DuCharme states that he hopes the Commission will acquaint themselves with some of these problems. He states that we have to stop this type of corruption in Torrance County; it's going to cost every citizen a lot of money and less services. *(A copy of the email with Mr. DuCharme's suggestions to the negotiation team for the Torrance County service contract and 94-12 is included in the file for this meeting.)*

Daniel Nordstrom speaks. He has been a resident of McIntosh for 17 years; half of that time without a vehicle. He states that some people in attendance here today have probably given him a ride at one time or another. Most people in this County live on a very little income. This is arguably the third poorest County in the country. He asks, is this a private company or a governmental entity? What you have got set up is wrong, and it's illegal, and it's immoral. He states that he is able to pay a private hauler as much as he pays the Authority for the same service, except the private hauler PICKS IT UP. He can't use the Authority's service even if he wanted to. He states that private companies should not be allowed to put a lien on people's property as they have put on mine. He states that he is never moving and that he is never ever going to pay the EVSWA one penny. And if he has to go to court over it he will. A private company should charge for services rendered when used, anything else is wrong. He states that he pays his property taxes every year and asks, why is it that this one organization should charge the same amount as my entire property tax costs? Being charged for services that are not used is extortion; legalized theft.

Michael Godey speaks. He is a resident of Tajique. The trash board forgets the land grants. He states that Mr. Ellis is selling short on the tipping fees for Santa Rosa County and Bernalillo County. This is the solid waste Authority that is supposed to be representing Estancia Valley. Bernalillo County collects our gross receipts tax to help subsidize their trash. Basically, this is bad and corrupt management.

A fellow resident gives her 5 minutes to Ms. Mary Ann Ende.

Mary Ann Ende speaks. For \$4 dollars a month she takes her trash to the Bernalillo transfer station. Why is she being charged \$20 dollars a month for services that she does not receive? She agrees that we pay for infrastructure. She states that she would not mind paying a \$50 dollar infrastructure fee for the general use of landfills, a small reasonable fee for the year. But as it is, services are being cut, and the recent jump in fees was enormous. This is unreasonable.

Bill Larson speaks. He lives on Saline Pump Road. He agrees with Mr. Armijo; we need to think and work together. His neighbor, Ernie Wickham, is on the list to speak. Mr. Larson states that for Mr. Wickham to be here to speak during some of the last days of his life, it must be very important. *(Mr. Wickham left the meeting before he could speak.)*

Edwina (George) Hewett speaks. She is a resident of Mountainair. She is not a paid employee of the County, nor is she a paid employee of the EVSWA. She states that she believes that another speaker's family member is. She has been to many public hearings regarding the EVSWA, it took a great effort for her to lose a days' worth of pay to come down here today because she knows the Commission is going to do exactly what the ordinance says without change because that has historically been their path. She states that it is a crying shame that we all elect you people to represent us. When she was a County resident, she wanted somebody to deal with her trash, she didn't want to bury it on her ranch, or burn it in barrels. Even now that she is a municipal resident, with curbside pickup, she was never opposed to paying a fair and reasonable rate to have her trash dealt with. She is not opposed to a trash Authority, she is not opposed to even a County mandate saying that she would need to write a check- but we need to get a service for that. This has been sold to the County residents that it is a fee for service- show me the statute that says that any governmental entity can force a service down your throat and

make you pay for it- isn't that the definition of a tax? This tax was created beyond your discretionary limits and it should have been taken to a vote of the people. She states that she would like to vote on this; we want our trash taken care of, but we also want to be served by you, the Commission, in a fair and equitable manner. We are begging you people to please represent the public, it is your job and your duty.

Jerry Gilfrese speaks. He lives out by the dump. He states, you guys are concerned about people hauling trash out and dumping it. There is a sign out there that says there is a \$1000 fine for illegal dumping, but no one is enforcing it. The 'pay as you go' system is the best system he can think of; it lets everybody be fair. Without this ordinance, private haulers could expand, which would create more jobs in the County.

Brad Townsend speaks. He is a local realtor here in Torrance County. He has one question, why was this never put out for public bid. This is a big money game and it should go out for public bid. There are people here in Torrance County who are being charged for houses that are uninhabitable. They are getting charged, and having liens put on their property, and they don't even live here. He states that he has talked with his private hauler and she told him that they can provide the same service with front door pickup for the same price that EVSWA charges. Also, as a landlord, he is required to provide trash service to his tenants.

Steve Jones speaks. 23 years ago he was with a group of Commissioner in these same chambers when they began work on the Torrance County solid waste ordinance. They held public hearings then and the residents were just as passionate then as they are today. Many of those residents served on the committee that created the ordinance. That ordinance was reviewed and approved by every municipality and the County to start this project forward. It costs a certain amount of money to run a landfill if you are going to do it according to the law. It makes a big difference if you live in Bernalillo County and there are a million of you vs living in Torrance County. The idea of the ordinance was that it was better if we all pay a little so no one has to pay a lot. What the thousands of residents of the County who are not here today expect is that the Commission will take into consideration the situations that these folks are bringing forth and do the best that you can do to insure that we get the most bang for our buck. Pay as you go does not work.

Dan O'Connell speaks. He has been a resident of Edgewood for the past 20 years. He really likes Torrance County. He states that, in his opinion, we are not paying that much for dumping fees; it's a lot more throughout the United States. Some of

the guys that work for the transfer stations are making only a little over \$9.00 an hour. He states that he is afraid that the Commission is going to fix this problem to death; just leave it alone- it's been working for the last 20 years pretty good. Elections are coming up and we are all going to have to think hard about it. Also, if you think the transfer stations cost a lot, how about the Roads Department? The roads are horrible. Let's get this passed and get to the real problems that cost a lot of money.

James Ritter speaks. He lives at the far end of Torrance County, in Sunset Acres where they don't plow the roads for the school busses. The bus driver was terrified by the time she got to his stop. He asks how you keep giving money to the EVSWA; the big bosses and everybody in the office got raises, the people out there that are taking the trash only got .40 an hour. The cost of living raise was .50 an hour. We live in the poorest state in the United States, why are we as much as our neighboring states? People can't afford it. Help everybody out here in this County. We need to just fix it. He states that he is moving.

Bill Radosevich speaks. He is from NM Waste Services and is one of the private haulers. He has been in the trash business 20+ years; this is not the first ordinance he has ever seen. He states that in reviewing this ordinance, a lot of the changes only benefit EVSWA. He does not see any benefit to Torrance County citizens or taxpayers. Removing discounts, etc. does not really allow any improvement to the ordinance. Why change the ordinance? He states that he has several contracts with municipalities and counties that fall under ordinances similar to this one, none of the other ordinances have a line item that states unmet actual costs resulting from unpaid fees or discounts shall be the responsibility of the County Commission. Basically saying if I don't collect any money, you have to pay me. He cautions the County to make sure that these citizens do not pay for costs that are unmet. And there is no oversight of the EVSWA; how will the County Commissioners know what those actual costs will be. Mr. Radosevich states that he has approximately 400 customers in Torrance County that he services. He is not the largest private hauler out here. In speaking to the majority of his customers, they don't believe that they will be able to afford a private hauler service if they have to also pay an Authority required fee. He recommends leaving the discounts in. He also states that his private company does take bulky items, unlike what was stated earlier; all the private haulers do. Lastly, he quotes a portion of the proposed ordinance: Sec. 15, item E. Develop, or authorize the Solid Waste Authority to develop, operating policies and procedures for the implementation of the provisions of this Ordinance. He states that he reads that to say that Torrance County is giving EVSWA total control over this.

Peggy A. Schwebach speaks. She has been a resident of this Estancia Valley region for close to 50 years now. Her daughter bought a house in Albuquerque and she pays \$16.00 a month for curbside pickup. Her other utility services are in her name; the solid waste fee and the sewer fee are attached to her property. When she bought her house, one of the items that had to be clear is that the prior owner cleaned up any unpaid sewer and solid waste. So what we are talking about here is not out of line. There seems to be a huge amount of misunderstanding about the structure and operation of this whole thing. Torrance County has an involvement with the Authority; the issue is how we are getting equitable coverage for financing. She believes that the changes she sees that are proposed in the ordinance need to be very carefully reconsidered. It is alarming to see all the discounts removed. She responds immediately to the discount that has to do with private haulers. She finds that there are a lot of people that don't understand the relationship between having a private hauler and paying a fee. She pays a fee, and it is discounted because she has gone to the Authority and has said that they have a private hauler. A lot of people who have a private hauler have not taken the steps to get their discount. She comments that the ordinance states that they want to improve the 'morals'- she does not believe that is the word they want; it should be 'morale'.

Larry Thompson speaks. He hates to see Mr. Ritter leave the County; that's why we have got to make some changes. He has a one acre lot with a big storage shed on it. He is being charged for an empty residence. There is no water, no utilities, no sewer, nothing. He is being charged because he was told that it is big enough for someone to live in it. He is paying \$10.50 a quarter for an empty house. Mr. Thompson states that he also has property in Bernalillo County and Santa Fe County; he pays nothing- it is 'pay as you go'. You go to the dump, you pay your fee; it is that simple. In Torrance County, he is paying \$60.50 every quarter for every property he owns, and that's wrong. We are overcharged for something we don't get. We should go to a 'pay as you go' or a punch card. Why does he have to pay \$10.50 a quarter for an empty house? He has been told that's just in case you clean up the yard and you take it to the dump. But, to take it to the dump you have to have a trip card and you still have to pay again to take that yard refuge. You are paying twice; you are paying for the empty house and you are paying for your trip ticket to have the privilege to take your trash. He states that the Authority takes tires that are illegally dumped and he appreciates that. Lastly, he suggests that, if the ordinance does not go their way, the residents should not pay their bill until the

last week of their three month period. Can the solid waste people survive without our money? They will come to the Commission to beg for more money.

Manuel Romero speaks. He was born and raised in Estancia. His father held several governmental positions here in the County, including Commissioner. A gentleman stated earlier in the meeting that the statutes (in the ordinance) may not be in order. Mr. Romero offers to volunteer his services and write up a plan based on what we heard here today. He lives in and is not involved with the County. He states that with the Commission's permission he will gladly write a plan. One concern he has is if we are not following the law. He gives the Commission his phone number and his cell phone number. He wants to follow in his father's footsteps and help the citizens. He requests a copy of the minutes from this meeting.

Michael Barela speaks. He lives in Tajique. The older people in Tajique still have to load their own trash and go to the dumpsite; we don't have a ramp, we still have to shovel it off. Every other place he has seen has a ramp for people to just back up their truck and sweep it off. There are old, handicapped people that are paying and are still having to work to shovel off their trash. People should have the choice to have their trash picked up from their house. We have to take our trash, because if we don't clean up our places, we get fined from Planning & Zoning. Please take this into consideration and make us a ramp.

Ms. Ansley, County Manager, speaks. She was one of the members of the committee asked to help come up with the revisions to the Solid Waste Ordinance. Mr. Saline and Ms. Tapia came up with some of the recommendations that she will now present:

Recommendations to Solid Waste System

It costs approximately \$900,000 per year, for EVSWA to operate the transfer stations, landfill and billing service, for the county contract. Roll-off rentals generate approximately \$80,000 per year, for the county, so the total cost is approximately \$820,000. Broken out, the billing service costs about \$250,000, if it's handled by EVSWA.

Currently, the Solid Waste Ordinance offers some discounts. Those discounts are identified in the following table. EVSWA has approximately 3797 accounts as of July 2015.

Account Type	Fee	No. of Accts.	Yield
Active Accounts	\$230.49	2,615	\$602,731.35
Low Income	\$115.24	335	\$ 38,605.54
Private Hauler	\$ 76.83	449	\$ 34,496.67
Vacant Residence	\$ 40.00	398	\$ 15,920.00
Total Revenue		3,797	\$691,753.56

If the commission chooses to continue with these discounts, and if they choose EVSWA to provide the services of collection, disposal and billing, we're short about \$128,246.44 per year.

The newest, red-line version of the ordinance eliminates these discounts. Should the commission want to apply them, it will need to be done by resolution, when the rates are set.

Our recommendation is to apply full billing to those accounts who use a private hauler. They are currently billed at a reduced rate. If the commission did that, the numbers would look like this:

Account Type	Fee	No. of Accts.	Yield
Active Accounts	\$230.49	3,064	\$706,221.36
Low Income	\$115.24	335	\$ 38,605.40
Vacant Residence	\$ 40.00	398	\$ 15,920.00
Total Revenue		3,797	\$760,746.76

If the commission decides to follow this recommendation, we'll be short \$59,253.24 per year.

As County Manager, I believe the billing can be taken in-house for significantly less than \$250,000. I believe the County can subsidize the EVSWA by taking over the billing, as long as the County is able to gain ownership of the billing system and software. If the County took over the billing, that would leave EVSWA with an operational cost of collection and disposal at \$570,000. After subtracting the low income and vacant residence accounts, the remaining cost is \$515,474.60. That cost divided by the total number of active accounts, less the low income and vacant residence, is \$168.24 per year, \$42.06 per quarter and \$14.02 per month. That would be a reduction to all residents of \$62.25 per year.

Thanks to David Saline and Leanne Tapla for their assistance with coming up with these recommendations.

This ends the Public Hearing.

***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.

Mary Ann Ende comments about the solid waste ordinance. She is against removing the discounts.

Peggy Schwebach comments against the recommendations that were presented about the solid waste ordinance. She is also against removing the discounts.

Cody Brister comments against the recommendations that were presented about the solid waste ordinance. He believes that the figures that were presented are not correct and are fraudulent. He states that the fees were changed by about \$10.00 to make the numbers look more presentable. We need to go to a 'pay as you go' system.

Therese Cooper comments against the recommendations that were presented about the solid waste ordinance. She asks why the public is being presented lies. She also believes that the figures that were presented are incorrect. She asks the Commission why they are presenting false information to the people that they represent.

Michael Godey comments against the recommendations that were presented about the solid waste ordinance. He comments that the municipalities need to include the land grants.

Michelle Jones (myself) speaks. She introduces her daughter, Lauren Jones, to all present and informs the audience that Lauren was accepted to a Pre-College Spring Science, Technology, and Medical program at Brown University. If anyone would like to donate to help send her to this program they can log on to www.gofundme.com/s3wfyuwc to make a donation.

Larry Townsend comments that he wants the area private haulers to be able to stay in business. He does not want to see this end up like the electric coop, where if you want the lights on you pay the bill, you have no choice. He is against removing the solid waste discounts.

Charlene Guffey comments about the proposed RFP for solid waste services. She comments that if the County does go out for an RFP, she wants to see everything that the EVSWA does written into it. She does not agree with taking the billing portion in-house. She speaks in favor of the EVSWA and the service they provide to the County.

John Lindsey comments in opposition to the proposed changes to the solid waste ordinance. He is not in favor of removing the discounts. He asks his Commissioner, Commissioner Frost, to please check on the figures that were presented for himself.

Charles Armijo comments that he appreciates all the input that he has heard on the solid waste issue today. He still believes there is a logical solution to this issue. He wants trash service; he just wants the County to get the best bang for their buck. He asks the Commission to do the right thing.

Lance Brown comments about private haulers. He has had private haulers at several locations and every time there has been an issue, it has always been resolved by the hauler. He has never had any problems.

Bill Radosevich comments about the proposed changes to the solid waste ordinance. He recommends that the Commission very carefully review the proposed changes which, in his opinion, benefit the EVSWA- not Torrance County.

Kevin Green comments about the recommendations that were presented about the solid waste ordinance. He comments that there was no mention of the revenues that come in from recycling. He worked at some of the stations. All the metals were put into one container. He asked many times for containers to separate the metals. He could have generated more copper and more aluminum income every month than what he saw on one of the annual reports. He left the company in 2008.

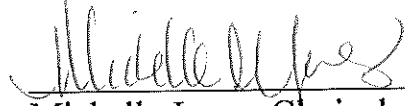
Edwina Hewett comments about the solid waste ordinance; this is not the original ordinance that Steve Jones spoke about, it has mushroomed and changed a lot since its inception. She comments about the recommendations that were presented about the solid waste ordinance. She would like the figures explained in more detail so people can understand them better. She believes that the people who work here try to do their best every day. She encourages the Commission to truly listen to the people that come here to speak; they are an incredible resource here in the County. Include people in your meetings; get more information.

William Lothrop comments that the Constitution guarantees him choice, but he has no choice on this topic. He either has to pay this trash tax or they take his property. He is opposed to the fees that are being charged. It is wrong morally and ethically. He thanks the Commission for listening.

***Adjourn**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the January 13, 2016 Commission Meeting. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 1:08 pm


Chairman Candelaria


Michelle Jones, Clerical

1/27/16
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.