

**Final Copy  
Torrance County Board of Commissioners  
Commission Meeting  
March 23, 2016**

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

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

**Call Meeting to Order:**

Chairman Candelaria calls the March 23, 2016 meeting to order at 9:00 am. He welcomes all those present to the meeting and leads us in the pledge. Ms. Nicole Maxwell, reporter for the Mountainview Telegraph, gives the invocation.

**Approval of the Meeting Minutes:**

Chairman Candelaria asks for a motion to approve the February 29, 2016 Special Meeting Minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the February 29, 2016 Special Meeting Minutes. Commissioner Frost seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

**Approval of the Meeting Minutes:**

Chairman Candelaria asks for a motion to approve the March 9, 2016 Regular Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the March 9, 2016 Regular Meeting Minutes. Madam Commissioner DuCharme seconds the motion. Commissioner Frost points out a clerical error on page 21 of the minutes. The error will be corrected. 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 asks why agenda item **8. Proposed Contract between Torrance County and Estancia Valley Solid Waste Authority** is on the agenda again. Ms. Ansley replies that the EVSWA Board requested that this item be on the agenda. Ms. Ansley further states that she informed the Commission a few meetings ago that this item would be on the agenda until a resolution was reached concerning the proposed contract and the RFP. Madam Commissioner DuCharme states that she knows that at the last EVSWA Board meeting, the board voted to continue with the current contract. Madam Commissioner DuCharme asks her fellow Commissioners to remove this item from the agenda. Madam Commissioner DuCharme also asks for clarification of Executive Session item **c) Meeting with the public body's attorney pertaining to threatened or pending litigation in which Torrance County is or may become a participant. Section 10-15-1(H)(7) ref.: EVSWA.** She asks if there is any documentation or basis for having this conversation in closed session. Mr. Wallin replies yes, there is basis. As a point of order, Commissioner Frost calls for the question. Madam Commissioner DuCharme asks if it is legal to discuss agenda item #8 if the EVSWA has already decided to keep the current contract. Mr. Wallin replies whether the EVSWA has decided to keep the current contract or not, it is legal to discuss it. The Commissioners vote; two in favor, Madam Commissioner is opposed. **MOTION CARRIED.**

**The agenda will remain as it.**

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

**ACTION TAKEN:** Chairman Candelaria makes a motion to approve today's Consent Agenda. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

**There are no indigent claims on the consent agenda today.**

*\*Action Items\**

*Items to Be Considered and Acted Upon*

*Department Requests/Reports:*

**1. Updates**

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

Treasurer Update 3/23/16

Chairman Candelaria, Commissioner, County Manager,

As of the end of February, we have collected 58.59% of the 2015 taxes. Last year at the same time we had collected 57.68%. We have collected 92.55% of taxes for the past 10 years. We keep 10 years of taxes on the books. Last year at this same time, we collected 92.26%.

We sent request for bid out to three companies for the printing of our Tax Notices. Automated Election Services was the lowest bidder.

The Legislature passed a law I believe in the 2015 session, allowing people to receive their Tax Notices and such by email. I am going to check to see how much it will cost to send a flyer with our Tax Notices informing the property owners of this option so we can start the process.

I am also checking into what needs to be done in order for us to go out into the community to collect tax payments. It is our desire to make it more convenient for residents to pay. Right now, I am considering Moriarty, Mountainair and possibly Willard. If you would like us to consider another site, please communicate with me, and we will see if we can make it work.

I am gathering information together to do my first Board of Finance meeting. This meeting is required by state statute. It is intended for the Treasurer to inform the County Commissioners of the money available to invest, for the Treasurer to suggest options to invest the money and for the Commissioners to have input. It is open to the public. I will provide each Commissioner and the County Manager and Deputy County Manager with documentation well in advance so you will be informed ahead of time, so you all can be prepared with questions or suggestions. My goal is to do it sometime in April. The Board of Finance is supposed to meet quarterly.

I have begun filing the monthly Treasurer's Financial Report in the Clerk's Office each month. I went back to June 2015, when I was appointed Treasurer. We are also uploading the report along

with the Distribution Report each month on our County website. It can be found on the Treasurer's Page.

Tomorrow, we have a company who come out to install two security cameras that will record all cash transactions in our office. With cash, it becomes a he said, she said. I want to make sure we take excellent care of our customers and that we never in any way short anyone.

I have received many questions asking why I did not file to run for the Treasurer's position. My decision was an easy one for me. My husband, Ted, is running for NM State Senate District 39. If I ran for Treasurer, that would put us both on the ballot at the same time. I am not comfortable with that. Instead, I asked Tracy Sedillo, our Chief Deputy Treasurer, to run. If successful in her race, I will stay as the Chief Deputy. Title does not mean anything to me. As Chief Deputy I would still have the amazing privilege of serving the great people of Torrance County. And if not, I will find another way to serve. Either way, I have been extremely honored to serve in the Torrance County Treasurer's Office the past seven years. Thank you, Commissioners, for allowing me the honor and privilege of finishing out Treasurer Dorothy Sandoval's term. It has been a great experience, and I believe I have made some good moves to enhance the customer service we provide and that the direction of our office is innovative and forward thinking.

**Javier Sanchez, Emergency Manager, submitted the following written report:**

Torrance County Commission Update  
From Torrance County Emergency Management  
March 23, 2016

Current Ongoing Grants/Projects:

1. **FY13 Disaster Recovery Grant:** Project 54 is completed. Two additional projects are pending. The grant is valued at \$169,855.22.
2. **FY14 State Homeland Security Grant:** This grant is recently completed. Request for reimbursement will be turned in with the March quarterly report. The grant is valued at \$60,904.71
3. **Hazard Mitigation Planning Grant:** The final draft of the plan has been submitted and is currently under review by NM DHSEM.
4. **Torrance County EOC Exercise:** An exercise is being planned for late summer 2016.
5. **Torrance County Local Emergency Planning Committee:** Next quarterly meeting will take place in April and an exercise is being planned for late summer 2016. A grant application has been submitted by the Torrance County EM to NM DHSEM's HMEP Grant representative, whereby funds will hopefully be awarded to the county LBPC for an exercise program this year. Although already submitted, the application deadline is April 1<sup>st</sup>.
6. **WIPP Grant:** Annual project is planned for this project and funds are expected to be expended by the end of April 2016.

7. **2016 CRI Program:** Torrance County EM will participate in this year's exercise with a staging area drill on April 7<sup>th</sup>. The MOU has been signed and was submitted to NM DOH.
8. **CERT Program:** A training class took place March 18-20<sup>th</sup> at the Moriarty Civic Center, whereby twelve additional volunteers passed through the program and are in process for becoming fully badged volunteers.
9. **FY13 (Special) EMPG Grant Program:** This project is complete.
10. **Community Wildfire Protection Plan:** The initial kickoff meeting will take place in April, whereby stakeholders will come together to begin the process of plan revision.
11. **Disaster Recovery Winter Storm "Gollath":** Actual costs and project summaries for the County have been prepared and submitted by Torrance County OEM to NM DHSEM's Recovery Unit. A sub-grant agreement is pending for this project.
12. **Hazard Mitigation Grant Program:** Notices of Interest have been submitted and applications for two mitigation projects are being prepared by Torrance County OEM in conjunction with FEMA representatives. Application deadline is March 31<sup>st</sup>.
13. **FY16 State Homeland Security Grant Program:** An application has been fully prepared by Torrance County EM for a total of five projects and will be submitted to NM DHSEM by the deadline, March 31<sup>st</sup>.

**Steve Guetschow, P&Z Director**, speaks. He informs the Commission that last week the Forest Service hosted a Shared Stewardship Workshop to expand the current Landscape Teams to form a Landscape Partnership. The Forest Service's intention is to bring together all the entities affected by Forest Service projects to insure that future projects will be planned in the best interest of all affected parties. Next week, the Landscape Teams will meet again to prepare for the next phase of the Forest Service plan.

**Commissioner Frost** comments that he attended an EVEDA meeting about a week ago. He represents the County on the EVEDA Board. The goal of EVEDA is to create more business in the County, which in turn will create more jobs. EVEDA is funded by the municipalities, the County, private businesses, and private citizens. We currently have a second windfarm coming which will be a great asset and benefit to the County for thirty years. He thanks EVEDA for their efforts.

**Madam Commissioner DuCharme** speaks. She states that she wants to bring the attention of the Commission, the public, and the press to something that occurred at the last Commission meeting that is not acceptable and must not happen. She states that at the last Commission meeting, the Commission voted to have an Executive Session. She entered the room where Executive Session typically takes place and sat down at the table across from the County Attorney, Mr. Wallin. She states that, at that time, Mr. Wallin told her that she was disrespectful to him

during the meeting and she was out of line and if she did it again, he would put her in her place. She states that she cannot imagine that Mr. Wallin could say this to her fellow Commissioners or that any County Commissioner would hear this from their County Attorney. She states that she thinks Mr. Wallin was out of line when he said this to her. She takes this as a threat and does not want this to happen again.

Madam Commissioner DuCharme talks about the Volunteer Fire Fighter Banquet. She states that she was very glad to be at this very important event. There was a training session/presentation given by Ms. Tracey Master. There was a dinner and an awards/recognition presentation. The banquet was very well organized. Ms. Cheryl Hamm was the MC and was very entertaining and funny. Madam Commissioner DuCharme notes that Fire District 3 did not receive any awards so she wants to recognize them here today for all their hard work. The Independent newspaper reporter, Ms. Leota Harriman, is thanked for posting a great picture of the volunteers on the front page of her paper. The event was a great success and Madam Commissioner DuCharme thanks organizers Ms. Cheryl Hamm and Ms. Joy Ansley on a job well done.

Mr. Wallin responds to Madam Commissioner DuCharme's earlier statements. He states that he has great respect for the position of the County Commissioner. He states that he believes that respect begets respect and disrespect begets disrespect. He does not believe that the County Commissioner should use her bully pulpit to disrespect contractors of the County, employees of the County, or the public. He states that he thinks that on occasion this has happened and he will not be disrespected and does not intend to let it happen again. He thinks that this is a conversation that professionalism would require them to have outside of the public, together and in private. He states that he will be happy to explain to her the role of a government attorney, because it is apparent that she does not understand his role. He states that each of her fellow Commissioners has had the courtesy to call him to discuss issues that they have at various occasions and that since she became a Commissioner, he has yet to have received the same courtesy from her. He states that instead, she chooses to use her pulpit to try to spring trap both employees of the County as well as the Attorneys Office- that will not happen. Thank you.

**Chairman Candelaria** comments about the training that the Fire Department went through. He states that he sat through the training and gained some insight into what they experience. It was very interesting and intense; he learned a lot about the procedures they follow when responding to specific situations. We don't realize the training that these volunteers go through. It speaks volumes about the people

who put aside their time to train and respond and help their County. We have a highly professional volunteer Fire Department here in Torrance County.

Chairman Candelaria now states that he attended a meeting which discussed the City of Albuquerque becoming a hub for trade. The MRCOG is involved with this. The hub is Albuquerque and extends 90 miles, which includes Torrance County. Their partner is BNSF Railroad. A feasibility study is being done on how this potential influx of business could affect our region. Even if Torrance County is not directly involved, many Torrance County residents work in Albuquerque and could be positively impacted. This is a WIN-WIN situation that we are a part of. Being within the 90 mile radius gives us an opportunity to grow some businesses or help our people and reduce our unemployment rate. Perhaps this will keep more of our young people that go straight from High School into the workforce within our County. More information on this will be coming from EVEDA.

**2. Request Out-of-State travel to Pick-up Federal Inmate in Arizona –**

**Stephanie Dunlap, Administrator** Ms. Dunlap speaks. The Sheriff's Department is requesting approval of out-of-state travel for Sheriff Deputy Hoover and Deputy Sprunk to pick up a Federal Inmate from Arizona who has court in the beginning of April. Travel will be from March 31, 2016 to April 1, 2016. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the request for Out-of-State travel to pick up a Federal inmate in Arizona. Commissioner Frost seconds the motion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

**3. Resolution 2016-13 Total Mileage of Miles Maintained & Mileage Letter- Leonard Lujan, Road Foreman** Mr. Lujan speaks. This is the Road Department's

miles maintained that they submit to the State every year. The current estimated total miles maintained in Torrance County is 936.697 miles. All documentation attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2016-13 Total Mileage of Miles Maintained & Mileage letter. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks if this is the same number of miles we had last year; the same amount of chip seal and gravel roads? Mr. Lujan replies yes. Mr. Lujan adds that when a road is vacated, the State must be notified. Madam Commissioner DuCharme asks for an official data disc with the listing of each county maintained road as well as Road Department update reports. Mr. Lujan will provide these for her. Madam Commissioner DuCharme asks about a road in her Commission District; Heritage

Road. Mr. Lujan explains to her that the State and Torrance County work together to maintain this road. He states that he will be in contact with the State about this road. No further discussion. The Commissioners vote. All in favor, none opposed.  
**MOTION CARRIED**

**4. Request for Significant Improvements to County Road B016- Gary Scheldt, Resident** Mr. Scheldt, Torrance County resident, speaks. He thanks the Commission for giving him the opportunity to speak today. He has presented the Commission with a packet with includes the following petition letter:

**A PETITION TO IMPROVE TORRANCE COUNTY ROAD B016**

**LOCATION OF B016**

B016 (Alabaster Road) is an unimproved county road commencing one mile south of Mountainair from NM 55 running south approximately 2.1 miles.

**USAGE OF B016**

B016 is currently the sole access route for approximately 100 Torrance County residents. Traffic has increased significantly since the establishment of a new subdivision at the southernmost end of the road, and will have an anticipated population of over 300 when building is completed. B016 is used by an estimated 96 vehicle-trips per day. B016 is also the only access route for emergency medical personnel, fire, police, school buses, public utility deliveries (propane/telephone/ electric), FedEx/UPS deliveries, and contractors for residents on B0 16 and in the new subdivision.

**PROBLEM WITH B016**

The caliche-mud road surface is substandard in dry weather even with regular blading of the road. Several wash areas render the road impassable during heavy rains until the County clears the debris and fills in the washes. Even after light precipitation, the surface deteriorates to slippery mud and deep ruts, both of which create a significant hazard to normal traffic. Many travelers have reported a loss of control of their vehicle when the road is wet and several have had an accident or required assistance getting their vehicle out of a ditch. County (and local) safety officials have noted that the condition of the road impedes access to emergency and health services, and is unsafe for school buses and other essential service vehicles. In addition, the rutted surface regularly damages vehicle tires and suspensions beyond normal wear and tear.

**CONSIDERATION OF COMMUNITY**

B016 serves Torrance County residents who are ranchers and residential homeowners who represent healthy growth in Torrance County. Their presence as long-term residents and the continued home building has increased the tax base and invigorated the economic health of the region. Road improvement that contributes to the well-being and safety of this constituency is both a benefit to, and the responsibility of, Torrance County.

**THEREFORE**, we, the undersigned, petition Torrance County to make significant improvements to B016 and suggest the following:

- Re-grade the road and areas around road to provide adequate drainage.
- Add, raise, compact and crown the road base to New Mexico standards.
- Apply a durable topcoat (such as chip seal).
- Improve safety via guardrails and signage.
- Perform regular maintenance per Torrance County specifications.

I, the undersigned resident and/or property owner in Torrance County, support the above Petition to Improve County Road B016:



\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PHYSICAL ADDRESS

\_\_\_\_\_  
PHONE or EMAIL (optional)

The packet also includes:

- A list of the Torrance County Residents Signing the 'B016 Improvement Petition'
- Letters of support for improvements from the Mountainair Chief of Police Robert Y. Chung, Mountainair Volunteer Fire Department Chief Wayne Jones, Town of Mountainair Mayor Chester Riley, and Ms. Sherry Cownan-Maddox with Estancia Valley Portables
- Four color photos of B016

Mr. Scheldt gives his presentation to the Commission about the need for maintenance and improvement to B016 which accesses the Deer Canyon Subdivision. Many residents from that area are in attendance at today's meeting.

Chairman Candelaria comments that letters have already been sent to the DOT requesting material. Mr. Lujan, Road Foreman, states that he has been out to look at this road and is well aware of its condition. He has already made plans to redo the drainage on the road and clean out all the culverts throughout that area. Construction on this road is scheduled to begin Mid-April with caliche from our own pit being hauled in. Mr. Scheldt asks if the road bed will be raised. Mr. Lujan replies yes it will be. Mr. Lujan is asked to submit another letter of request for materials to the DOT. He will do this. Commissioner Frost thanks Mr. Scheldt for his very well prepared presentation. He reminds all that we have a bond election coming up in August and we have not yet put project names or numbers on this election, but his desire is to have an amount of that to improve the Road Department, which in turn will help this road and many more roads throughout the County. Madam Commissioner DuCharme comments that she is very impressed with the organization and involvement here; collecting all the petition signatures was a huge effort. She asks Mr. Lujan about the letter of request to the DOT for material. He reiterates that he will send it. Mr. Scheldt asks for a copy and states

again that he will personally deliver it. Madam Commissioner DuCharme asks about the requested guard rail. Mr. Lujan states that if after working on the road a guard rail is necessary, he will request one. He further states that a road sign can be requested from Rural Addressing. Lastly, he states that the road will be maintained more often. All documentation attached. **NO ACTION, INFORMATION ONLY.**

**5. Request for Letter of Support for the Rehabilitation Program, El Camino Real Housing Authority- Mary Ann Chavez- Lopez** Ms. Ansley speaks. At the last Commission meeting, Ms. Mary Ann Chavez-Lopez spoke to the Commission and requested a letter of support for their housing rehabilitation program, El Camino Real Housing Authority. At that meeting, the Commission asked that this item be put on the next agenda for action. The letter of support has been drafted and is ready for approval. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Letter of Support for the Rehabilitation Program, El Camino Real Housing Authority. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

**6. Potential Violation of the Hatch Act by Torrance County- Lonnie Freyburger, Chairman of the Republican Party of Torrance County** Mr. Freyburger speaks. He first clarifies that while he is the Chair of the Republican Party, he is not here today representing the Republican Party; this has nothing to do with the Party itself. He states that he is very familiar with the Hatch Act as it affected him as a County Commissioner. He had to resign from the State Highway Department because the section that he ran received Federal tax dollars. Mr. Jason Quintana could not run for County office for this same reason and had to withdraw his candidacy. Mr. Freyburger states that in this situation there may be the same violation. He states that he contacted the Secretary of State and they responded in a letter that they, and the County Clerk's Office, do not look into Federal violations. Mr. Freyburger states that the Secretary of State's legal section encouraged him to contact the Special Counsel for the Federal Government and charge the Hatch Act. Mr. Freyburger states that he is referring to Mr. Javier Sanchez who is a County employee and is running for County Commissioner. Mr. Freyburger states that Mr. Sanchez distributes Federal dollars and get grants from Federal agencies.

Mr. Freyburger explains that the Hatch Act was originally enacted in 1939 to prevent Federal employees from participating in partisan political activity. In 1940,

it was expanded to include State and local employees. Mr. Freyburger states that as he was talking with the Special Counsel, they told him to begin with addressing the County Commission as the County could be subject to up to \$250,000.00 in fines and the forfeiture of all Federal grants if a violation is found. He states that he is not trying to discourage Mr. Sanchez from running but the fact of the matter is that in order for him to run, he must take a leave of absence without pay until the Primary. If he wins the Primary, he must continue to be on leave without pay until the General Election. After the General Election, if he is elected he must resign his position as the Emergency Manager. Mr. Freyburger talks about allegations that he has heard and possible violations, including campaigning while at work and the questionable placement of campaign ads and news stories including Mr. Sanchez in the local papers. Mr. Freyburger states that he has the complaint ready to send.

Mr. Wallin asks Mr. Freyburger if he has anything in writing from the special counsel. Mr. Freyburger states that he does not, only the reply from the Secretary of State. Mr. Wallin asks Mr. Freyburger who he talked to at the special counsel's office. Mr. Freyburger does not have a name. Mr. Wallin states that Mr. Sanchez has previously requested that his office look at State law to see if there was any bar to him running and was advised to look at the potential Hatch Act conflict. Mr. Wallin clarifies that as County Attorney, it is not their position to advise an individual candidate. Mr. Sanchez looked into this and provided the County with a letter from Special Counsel indicating that there was no violation of the Hatch Act signed by Erica Hamrick, deputy chief of the Hatch Act Unit. Mr. Wallin states that this letter appears to address the issue of his salary and whether or not it is being paid from Federal funds. Mr. Wallin states that, if the Commission directs him to, he can contact the Special Counsel and talk about the issue of Mr. Sanchez's administration of grants or other funds. The Commission directs Mr. Wallin to contact the Special Counsel.

Mr. Javier Sanchez speaks. He states that the Hatch Act, prior to December of 2012, precluded any local government employees from running for office and holding a job that had to do with local government. However, in December of 2012 the US Congress passed the Hatch Act Modernization Act. Mr. Sanchez states that the Hatch Act Modernization Act basically allows for local government employees to run for office. It does not preclude them; the only preclusion is if your salary is paid 100% by Federal dollars. The disbursement of Federal dollars does not play a role in the determination; you can deal with State and Federal grants and grants from basically any source. According to the Hatch Act Modernization Act, which was passed in December 2012 and signed into law by President Obama, there is no violation. Mr. Sanchez states that he has concluded that there is no violation, these

allegations are groundless, and the letter that he provided to the County while doing his due diligence prior to extending his candidacy describes what he just described.

Mr. Wallin reiterates that he will contact the Special Counsel and obtain further information on behalf of the County to verify this. His understanding is that the 2012 Act amended the prior Hatch Act and does allow a local governmental employee to run for office, even though his office maintains and manages Federal funds, but he will verify this. He states that his recollection of why Mr. Quintana couldn't run was not the Hatch Act, but because State employees could not run for local office. The Commission decides to put this item on the next agenda. Lastly, Mr. Freyburger comments that he will send the complaint. All documentation hereto attached. **NO ACTION, INFORMATION ONLY.**

Before presenting the next item, Ms. Hamm states that she must correct an oversight from the Volunteer Fire Fighter Banquet. **District 3 Fire Fighter Alex Lovato** earned a 5 or more years of Service to the County commendation. Congratulations Ms. Lovato and thank you for your years of dedication and service.

**7. Proposed SOG's for Fire Department** Ms. Hamm speaks. The Commission reviewed the proposed SOG at the last Commission meeting. Madam Commissioner DuCharme asks about the nominal fee for course completion and certification. Will a Fire Fighter receive pay now for licensing and certification they received prior to the creation and Commission approval of this SOG? Ms. Hamm clarifies that if a Fire Fighter has already completed a course and been certified, they will not receive the nominal fee retroactively. No fees can be paid retroactively and no fees will be paid until the Commission approves the SOG. Madam Commissioner DuCharme asks about training. Ms. Hamm explains that every new Fire Fighter goes through an initial probationary period, however they are eligible to take training classes during this period and in certain instances, they may also be eligible for per diem. Every new Fire Fighter taking and successfully completing classes during their probationary period will be paid the nominal fee after their probationary period is successfully completed. Madam Commissioner DuCharme asks if Ms. Hamm received any feedback from the volunteers about the SOG. Ms. Hamm replies that she did not receive feedback, but rather input as the SOG was being created. Copies of the proposed SOG were handed out at the banquet and, as of today, none of the volunteers have contacted her with further comment.

Commissioner Frost asks how much this will cost. Ms. Ansley replies that the total annual cost estimate is \$100,000.00. After the first year, the SOG and costs will be reviewed and reevaluated. These funds will come from the General Fund and the plan is to replenish the General fund from Capital outlay tax dollars. Torrance County currently has approximately 45-50 active responding volunteers. A full staff would be about 125. Hopefully this SOG will attract new members. Ms. Ansley comments that volunteers are greatly needed, especially in District 4. Chairman Candelaria comments that certification of our volunteers is very important and this SOG will help with that.

Lastly, Ms. Hamm comments that the Torrance County Fire Department has an outstanding safety record that any entity would be proud to have. She recognizes the Fire Fighters here in the audience today:

Ron Sturchio  
Augustina Sturchio  
Yvonne Mars  
Chris and Jennifer Fuertes  
Scott Brown

All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the SOG for the Fire Department. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme comments that our Fire Fighters have many ideas about how to recruit and retain volunteers. One idea is to have billboards advertising for volunteers. Ms. Hamm will be looking into ways to get the word out. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

**8. Proposed Contract between Torrance County and Estancia Valley Solid Waste Authority** Ms. Ansley speaks. At last Thursday's EVSWA Board meeting, the Board did not vote to enact the 180 day contract termination clause. However, they still maintain that they are losing money on the County collection stations, billing system, and tipping fees. They want the County to move forward with revising the ordinance (94-12) and looking at a new contract that will cut their loss. Ms. Ansley further states that there is still confusion concerning actual numbers and costs. She and Mr. Wallin discussed viable options and are suggesting that the Commission hire a third party financial person to come in and look at the books and tell the County exactly what they think the collections and the billing should

cost. Madam Commissioner DuCharme stated at a previous meeting that those were already outlined in the environmental preliminary engineering report that was done by Gordon Environmental. Ms. Ansley states that she reviewed the report again and did not find this information. She states that there are no numbers in the report other than what is currently being charged. The EVSWA is stating that, for fiscal year 2017, they need \$183,000.00 to run the billing service and \$618,000.00 to run the collection stations. The tipping fees are charged by the ton and are estimated at \$90,000.00-\$120,000.00 per year. In summary, EVSWA is telling the County that it needs \$930,000.00 per year to run the County's portion of their operation.

*(At this time, the audio portion of the meeting stops working momentarily and picks up again when Mr. Saline is speaking at the podium).*

County customers currently generate approximately \$780,000.00 per year, leaving a shortfall of \$150,000.00-\$200,000.00 annually. Mr. Saline suggests that the County pursue a CDBG grant to help pay for the shortfall. He suggests modifying item V of the proposed contract to include language about the grant, get Commission approval of the revised contract, and take it back to the EVSWA Board for their approval. Mr. Saline states that, in this way, the Board would have security knowing that they have a plan of attack for funding the next landfill cell. Chairman Candelaria comments that when an item like this is discussed, solutions can come to light; other avenues to look at. Discussions like this help keep people informed. This is progress in the right direction. *(Again, there is a portion of lost audio).* The CDBG grant will take up to a year. Commissioner Frost asks if the EVSWA will be able to operate under the present conditions. Mr. Saline answers yes. As long as there is assurance that the grant is in the works. If the grant is not approved, then there will have to be discussion about how the County will pay. The funds will go towards the development of the new landfill cell; EVSWA has approximately three years to finish developing the cell. Commissioner Frost also suggests that the County look into pursuing a grant from the Board of Finance. Mr. Saline asks the Commission to accept this contract with the revision to item V. Commissioner Frost would like to have the revised contract in hand before approval. Madam Commissioner DuCharme asks why there is such a hurry to approve this new revised contract. Mr. Saline replies because the EVSWA is losing money. The last vote at the EVSWA Board meeting was to enact the 180 day termination clause and it failed by a 5-6 vote. He further states that the whole future of the EVSWA depends on this contract. Madam Commissioner DuCharme reminds all that at the last Commission meeting, the Commission decided to create a committee to work on a solid waste RFP. She further states that we already have a

current contract and according to the current contract the tipping fees are already included in the total. She states that according to the current JPA, the EVSWA should sustain itself and should not ask for additional money. Mr. Saline clarifies that the landfill should sustain itself; the collections operation is a whole different operation for Torrance County. Mr. Saline states that Madam Commissioner DuCharme is mixing up JPA language and Torrance County contract language and confusing the two. The landfill for the JPA is one thing; the collection stations and how they are operated is a contract between the EVSWA and Torrance County because, at that time, Torrance County had no other options. The landfill is losing money because it is subsidizing the collection operations. EVSWA is losing \$130,000.00 per year. Madam Commissioner DuCharme states that the EVSWA entered into this contract with Torrance County- why are they losing money now? Mr. Saline answers because they went off of projected numbers. They could not give actual numbers until they operated with the contract for a year, now they can show the losses. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion that, within the next two weeks, the EVSWA Manager, the County Manager, and attorneys from both groups, get together and review the proposed contract, add the provisions as suggested and present it to the Commission for consideration and action at the next Commission meeting. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote. Two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

## 9. Update

Ms. Ansley has no update for the Commission today.

Madam Commissioner DuCharme asks Ms. Ansley about a new position in the County Finance Department. Ms. Ortiz comments that Finance added an assistant who will assist Finance and Purchasing, as was discussed during budget time; the Commission funded this position. The position was advertised in-house.

Madam Commissioner DuCharme asks Ms. Ansley about a new position in the Road Department. Ms. Ortiz comments that there is a restructure going on in the Road Department. A Road Department Foreman has retired and they are looking at restructuring the chain of command in that department. Madam Commissioner DuCharme asks if this can be done without Commission approval. Ms. Ortiz replies that it is her understanding that a department can be restructured without Commission approval as long as there is no negative impact to the budget of that

department. They will not advertise for a position, because this is a restructure. They are looking at having a Road Department Superintendent, two Foremen, and a Crew Chief, construction crews and maintenance crews. The Road policy would be updated to reflect these positions.

Madam Commissioner DuCharme asks about a new position in the Assessor's Office. Ms. Ortiz answers that the Assessor's Office reorganized and moved an employee into an Office Manager position and another employee into a customer service position. Again, the changes were made as a restructure.

Madam Commissioner DuCharme asks if we have a policy that regulates how restructuring can be done. Ms. Ortiz replies that we have a personnel policy and if there is a situation that is not covered by the policy, she contacts the County Attorney for legal advice.

### **Public Requests:**

At the Discretion of the Commission Chair. For Information only (No Action Can be Taken). Comments are limited to three (3) minutes per person on any subject.

**Myra Pancrazio, EVEDA representative**, speaks. She presents the Commission with a news article and further explains the transportation hub that Chairman Candelaria spoke about earlier in the meeting. A portion of the article is listed below:

## **The push to make ABQ a transportation hub just got more traction**

Supporters hope it's a development that will ultimately bring more jobs to the city and the state. The Mid-Region Council of Governments (MRCOG) and the city of Albuquerque announced Tuesday the selection of a consultant to spearhead an extensive transportation and logistics hub study for the area. The study is to focus on evaluating the metro area's real assets for becoming the country's next big transloading center.

Officials awarded Cambridge, Massachusetts-based Cambridge Systematics a \$100,000 contract to complete a feasibility study over the next six months. The company specializes in the development and implementation of policy, planning, analysis and technology applications in the transportation sector.

It's all part of an effort that MRCOG and the city have been promoting in an attempt to help offset the region's employment slide in the manufacturing, mining, transportation and warehousing sectors. The city's aviation department has been working to expand the boundaries of a roughly 70-acre Foreign Trade Zone just west of the Albuquerque International Sunport. Since its inception in 1984, the FTZ has been a scarcely used tax incentive development area for transloading and manufacturing operations. The zone is within a 90-minute drive of all of MRCOG's territory — Bernalillo, Sandoval, Valencia and Torrance counties — as well as the communities of Santa Fe, Socorro and Los Alamos.



The city is funding the study in conjunction with Bernalillo, Torrance, Sandoval and Valencia counties, as well as Burlington Northern Santa Fe Railroad (BNSF) and the McCune Foundation. Project leaders hope the study will identify gaps and targeted investment opportunities to attract more private development of international trade related manufacturing and logistics, and that it can be used to strengthen and leverage the region's policies, incentives and infrastructure to become a significant transportation, warehousing and manufacturing hub. "Albuquerque is not only well positioned from a national perspective, [but] we must also consider that we sit at the intersection of two of the nation's longest interstates, connecting Mexico to Canada and the East Coast to the West Coast, all just a four-hour drive from New Mexico's rapidly growing commercial port-of-entry with Mexico. The possibilities are endless," said Dewey Cave, executive director of MRCOG. Meanwhile, the Albuquerque City Council voted Monday night to authorize the aviation department to submit an application with the Foreign Trade Zones Board to extend the district's boundaries in a 60-mile radius around its current designation, expanding it further.

At Yesterday's ANNOUNCEMENT with Mayor Berry, the County Commissioners from the Mid Region were present along with all the economic development organizations in the four county area.

This is the Central NM inter-module project that Randy Trask with the International Trade Alliance presented to the EVEDA board and to Torrance County last year.

The four county economic development professionals have been quietly working for the past several years with BNSF railroad and the Trade Alliance to work in unity to expand the foreign trade zone and to develop an inter-module hub in central NM.

As a result the City of Albuquerque at their City Council meeting last night voted to file the application to expand their foreign trade zone out 90 miles around the City of Albuquerque that will include Torrance County, Valencia County, all of Bernalillo County, Sandoval County, Socorro County and Santa Fe County. This is a huge step for Torrance County in recruiting manufacturing along interstate 40.

EVEDA will sit on the board with Randy Trasks group as we work with the consulting firm mentioned below.

Commissioner Leroy Candelaria (see attached picture) represented support from Torrance County and showed our strong support with BNSF Railroad.

**Michael Godey, resident,** speaks. He thanks the Commission for asking so many questions on all the issues presented today. He comments that State funding is antiquated and corrupt. We are guaranteed poor education and lousy roads. Tax money is not being well spent and part of that is due to allegations. He spoke to various State Representative candidates and asked them if they are willing to look into and change how tax money is allocated. He further states that the EVSWA is losing money because of the poor decisions they made in the past.

**Felipe Lovato, resident,** speaks. He lives 2 ½ miles south of US60 in a little town called Abo. He and his wife reside at the end of Marty Road. They also own property at the end of B012. He states that he feels for the man who spoke earlier about B016, but where do you set the priority? Is it the car that he drives? Is it my old beat up truck? Are there elderly people on the road? He asks the Commission to be aware and be careful when setting road priorities. And by the way, the Road

Department is doing a great job. Lastly, Mr. Lovato states that he was born and raised in this area; he has seen road ruts, he doesn't contact the Road Department. Sometime you gotta deal with it and go with the flow. He states, quite frankly, if I don't like the music, I'm gonna leave the dance.

**Janice Barela, County Treasurer**, speaks. She states that earlier in her report she was remiss and did not mention the names of the other candidates for County Treasurer. Mr. Brent Myrick and Ms. Margarita Hibbs are also running. She also states that she appreciates people who want to step up and serve the community. She wants to comment about the discussion concerning Mr. Javier Sanchez's candidacy. She states that she would hope that when people within our County declare candidacy, that they be given the freedom to still do their jobs. She further states that she trusts the editors of our newspapers to place advertisements for the County in proper places and she would hope that there is the freedom for them to do the business that they are being paid to do for our County.

**Tracey Master, Moriarty/McIntosh resident**, speaks. On behalf of her neighborhood, she wants to thank our local volunteer Fire Department. Recently, there was a fire in her area that spanned 921 acres. Fortunately our Fire Fighters were able to put it out. Some prime grazing land was lost, but no structure loss and no injuries. She also commends the Commission for approving the Fire Department SOGs today; it was a long time coming. Our Fire Fighters deserve the very small stipends that they are going to get. Ms. Master states that she did a Code Green training recently for the Fire Fighters that addressed Fire Fighter suicide and EMT suicide. Fire Fighter and EMT suicide is at an all-time high in our nation and anything that we can do to support those Fire Fighters, we need to do. Lastly, she states that, "when people are out there criticizing them for what they do and rushing to get to calls, I say shut up or put up".

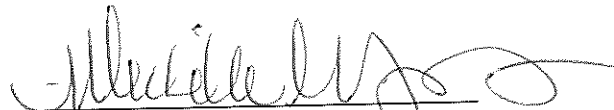
**Hank Van Es, resident**, speaks. He states that the general impression he got was that the County will be applying for a CDBG grant and it may take upwards of a year to get the money, assuming that they provide you with the funds. In the interim, the RFP has been waiting for over a year and a half. And we still have a year, according to the County Manager, before that RFP goes out. Mr. Van Es states that he wrote a letter to the Editor with respect to the business model that the Solid Waste Authority uses. At the last Commission meeting, the Commission basically stated that they wanted to continue with that same failed business model that is over \$200,000.00 in debt each year. Why? It's absurd.

**THERE IS NO EXECUTIVE SESSION.**

**\*Adjourn**

**ACTION TAKEN:** Commissioner Frost makes a motion to adjourn the March 23, 2016 Commission Meeting. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed.  
**MOTION CARRIED.** Meeting adjourned at 12:20 pm.

  
Chairman Candelaria

  
Michelle Jones, Clerical

4/13/16  
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.**