

**Final Copy
Torrance County Board of Commissioners
Commission Meeting
April 13, 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 April 13, 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 March 23, 2016 Regular Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the March 23, 2016 Regular Commission Meeting Minutes. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Agenda:

Chairman Candelaria asks for a motion to approve today's agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve today's Commission Meeting Agenda. Chairman Candelaria seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Consent Agenda:

ACTION TAKEN: Commissioner Frost makes a motion to approve today's Consent Agenda. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks about invoice #332816 paid to Ambitions Technology Group, LLC in the amount of \$4,398.18. She ask why this is coming from the Judicial Complex. Ms. Ansley explains that the funds are not coming from the Judicial Complex funds, they are coming out of the IT budget- Line Item 401652272. 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

***Public Hearing:**

Public Hearing to adopt the proposed revisions to the Torrance County Zoning Ordinance. A copy of the proposed revisions is available in the Planning & Zoning office located at 205 9th Street in Estancia. Please make an appointment to review at the office or contact us at 505-544-4391 or 505-544-4393 to request a copy.

a. Adoption of Revisions to Torrance County Zoning Ordinance

Chairman Candelaria speaks. He informs all that Mr. Wallin, County Attorney, will conduct the Public Hearing. A sign-in sheet with the names of those wishing to speak during the hearing has been presented to Mr. Wallin.

Mr. Wallin speaks. He explains that during today's Public Hearing, the Commission will **not** be acting in a quasi-judicial capacity, but rather will still continue acting in a legislative capacity. This Public Hearing is being held to determine whether or not certain revisions should be made to the Torrance County Zoning Ordinance.

Mr. Guetschow, Planning and Zoning Director, will be presenting the staff's recommendations for changes. Mr. Wallin informs all that this has been an ongoing process between Mr. Guetschow's office, Mr. Wallin's office, and the County Manager's office. They have also received significant very useful and helpful public input along the way.

Today, Mr. Guetschow will give his presentation, the Commission will hear public comment, will have discussion and will decide whether or not to take action on this item today.

At this time, Mr. Guetschow presents the ordinance and highlights the proposed revisions. *(A copy of the Current Draft 3/24/16 revision is available in the file for this meeting)* Mr. Guetschow states that most of the revisions are regarding new actions that have occurred or are coming in the near future. There is a large new section regarding wind energy applications for Special Use. There is also a change to the table of Conditional Uses. He states that the Planning & Zoning Board reviewed this document last spring. Public comment was heard and P&Z did their best to incorporate those comments into the document. Fire protection is addressed in the property development section of the ordinance. Medical cannabis operations are addressed similar to small feed lots in that they should be centered on at least 100 acres and outside of certain types of subdivisions in order to prevent those operations authorized by the State from interfering with more residential areas throughout the County. Mr. Wallin contributed minor word changes as follows:

Pg. 2, Section 4. Definitions, B. 5. "Building" means any relatively permanent enclosed structure having a roof. [REV: Ord. No. 20__-__, XX/XX/XX]

Pg. 4, Section 4. Definitions, B. 20. "Horticultural Operations" means the cultivation and harvesting of plants. [REV: Ord. No. 20__-__, XX/XX/XX]

Pg. 7, Section 4, Definitions, B. 41. "Structure" means anything constructed, placed, or erected on the ground or which is attached to something located on the ground. For purposes of this Ordinance, the term "structure" does not include vehicles, vegetation, or public utility poles.

Pg. 12, Section 6, General Provisions, M. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1,2,&3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In types 4 & 5 subdivisions a

Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.

Pg. 15, Section 8.0 Conservation District (C) 6. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.

Pg. 17, Section 8.1 Agricultural District (A) 5. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.

Pg. 19, Section 9. Agricultural Preservation District (AP-5, AP-10 & AP 40), 6. Commercial horticultural operations involved with the cultivation and harvesting of medical cannabis are prohibited within the bounds of Types 1, 2, & 3 subdivisions as defined in Article 2 of the Torrance County Subdivision Regulations. In types 4 & 5 subdivisions a Conditional Use Permit may be required, however the operation shall be centered on at least 100 acres.
[REV: Ord. No. 20__ - __, XX/XX/XX]

Pg. 59, Section 19. Administration, F. Development Review Permit. 1. No accessory structure, building, nor mobile home shall be placed, constructed, or installed nor

a. Shall electric service be connected to any accessory structure, building or mobile home if such building or mobile home has not already had electric service previously connected or has not already been issued a Development Review Permit in connection with such electric service.

Mr. Guetschow now reads the letter he received from Mr. Laird and Mr. Oden as written comment:

Exhibit A

Steve Guetschow

From: Jeff Laird <jlaird@lairdco.com>
Sent: Saturday, March 19, 2016 1:36 PM
To: 'Steve Guetschow'
Subject: RE: Zoning Ord. revisions

Hello Steve,

Thank you for emailing the proposed revised zoning ordinance. Would you kindly consider re-doing the format of the *Allowable Land Use* table, well before the commission meeting? The current table format is a mess, and almost impossible to use. It is also in incorrect. It is supposed to be a quick reference to look up in what zones one particular land use is allowed. It should not be a substitute for a complete discussion of land use in the text. Land uses should at least be listed in each zoning district in the text. Here are some of the obvious changes.

1. Page size should be 8.5" x 11", Portrait orientation, same size font as text, and included in text, not a special size and orientation.
2. The first column, *Land Use*, could be half the width; use a second and third line, where necessary. Eliminate superfluous words like "croplands".
3. Identical land uses should not be repeated in the first column.
4. The second column, *Zone*, should be eliminated.
5. The headings on the top of the page should be on every page!

It should be very easy to modify. If you would send me an "original" of page one in Microsoft Word, I believe I could show you a much better format.

Was this reviewed by MRCOG, or some other technical advisory organization?

Thanks, Jeff

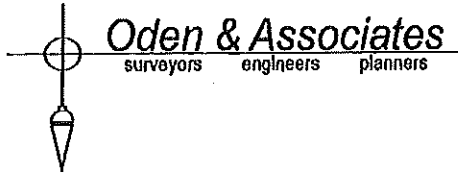
Jeff Laird
124 Mission Hills Rd., Estancia, NM 87016
TEL 505-384-5290 CEL 505-554-7997
JLaird@LairdCo.com || JeffLaird.net

From: Steve Guetschow [<mailto:sguetschow@tcnm.us>]
Sent: Monday, March 14, 2016 4:56 AM
To: 'Jeff Laird'
Subject: RE: Zoning Ord. revisions

Mr. Laird,

Attached are pdf copies of the draft zoning ordinance revisions. This draft addresses the concerns voiced at the P&Z Board meeting review.

Regards,
Steve Guetschow, CFM
Torrance County
Planning & Zoning Director
sguetschow@tcnm.us
505-544-4391



April 12, 2016

Torrance County Board of County Commission
P.O. Box 48
Estancia, New Mexico 87016

RE: Request for Text Amendment to Zoning Ordinance.

Dear Commissioners:

I have reviewed the proposed changes to the Torrance County Zoning Ordinance. Generally, I support the Draft revisions with three minor exceptions. On April 6, 2006 an application was discussed by the Planning and Zoning Board that involved whether or not a Variance would be required prior to approval of an application for Exemption.

Exemption # 7 (copy attached) allows an owner to replat or reconfigure legally existing, platted parcels for any reason. Generally, an owner will reconfigure two or more legally platted parcels in order to better utilize the property. Exemption #7 of the Torrance County Subdivision Ordinance allows this platting action and the resulting tracts may be the same size, larger, or smaller, so long as the number of lots or tracts is not increased. This is generally known as a "Lot Line Adjustment" Exemption".

Both Staff and the County Attorney agree that a Lot Line Exemption in the "C" Zone would require a Variance prior to consideration of a request for Exemption #7 if either of the legally platted tracts is less than the Minimum Lot Size (MLS), even if neither lot is being reconfigured into a smaller parcel.

This places an undue burden on a landowner to pay the \$250 application fee for a variance based on a vague interpretation of the District Standards, Sections 8.0.C.1.a, 8.1.B.1.a, and 9.C.1.a. Simply put, the intent of these 3 sections of the Zoning Ordinance for District Standards in Zones "C", "A", and "AP" was to not allow substandard Lots to be further divided into even smaller lots.

Therefore, in order to clearly state the intent of the District Standards in the above sections, request is hereby made to add the following sentence to each of sections 8.0.C.1.a, 8.1.B.1.a, and 9.C.1.a:

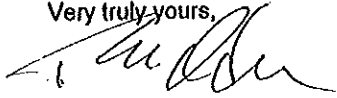
P.O. Box 1976 • 200 US Route 66 • Moriarty, NM 87035
Phone (505) 832-1425 • Fax (505) 832-6996 • Website: www.odenassociates.com

"Parcels smaller than the minimum parcel size that existed on the effective date of these standards shall be allowed to be reconfigured for any reason, so long as no resulting parcel is smaller than the original parcel."

This added sentence will clarify the exact intent of having a minimum lot size in certain zoning districts, while at the same time allowing a landowner to replat or reconfigure the lots so that they become more useful, without making anything smaller.

Granting this request for a text amendment will not adversely affect the health, safety, and general welfare of the public, and is otherwise consistent with the general purpose and intent of the regulations.

Very truly yours,



Tim Oden, Pres., GM
Oden & Associates, Inc.

ATTACH COPIES OF DEED, CERTIFIED COPY OF COURT ORDER, PREVIOUS SURVEY AND A CERTIFIED SURVEY OF THE DIVISION AND CONVEYING DOCUMENTS.

THE SURVEY NEEDS TO SHOW THE FOLLOWING NOT:

1. THESE LOTS WERE CREATED BY (name of court ordering division), COURT ORDER NO. _____, DATED _____.
6. The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities and meets the minimum lot size standards.

ATTACH COPIES OF THE DEED, ALL PROPOSED CONVEYING DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USE TO GRAZING OR FARMING ACTIVITIES. NO DWELLING UNITS, COMMERCIAL, OR INDUSTRIAL USES SHALL BE ALLOWED ON THE LOTS CREATED IN PERPETUITY. SUCH DOCUMENTS MUST CONTAIN A COVENANT RUNNING WITH THE LAND, AND REVOCABLE ONLY BY MUTUAL CONSENT OF THE PLANNING & ZONING BOARD AND THE PROPERTY OWNER, THAT THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR GRAZING OR FARMING ACTIVITIES.

THE SURVEY NEEDS TO SHOW THE FOLLOWING NOTES:

1. TRACT _____ WAS CREATED FOR GRAZING AND FARMING ACTIVITIES ONLY; NO DWELLING OR COMMERCIAL USES ARE PERMITTED.
2. NO FURTHER EXEMPT LAND DIVISION MAY OCCUR UNLESS THE COVENANTS ARE REVOKED BY MUTUAL CONSENT BETWEEN THE PROPERTY OWNER AND THE PLANNING & ZONING BOARD.
3. RESTRICTIVE COVENANTS ARE RECORDED IN BK. _____ & PG. _____ AS DOCUMENT # _____ IN THE RECORDS OF THE TORRANCE COUNTY CLERK'S OFFICE.

7. The division of land resulting in the alteration or consolidation of parcels for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased.

ATTACH COPIES OF DEEDS, PREVIOUS SURVEY, AND CERTIFIED SURVEYS SHOWING ALL PARCELS AND PARCEL BOUNDARIES, BEFORE AND AFTER PROPOSED ALTERATION.

8. The division of land to create burial plots for a cemetery.

ATTACH COPIES OF DEED, PREVIOUS SURVEY, AND CERTIFIED SURVEY, SHOWING THE PARCEL TO BE USED AS A CEMETERY AND ALL DOCUMENTS DEEMING IT AS SUCH.

9. The division of land to create a parcel that is sold or conveyed as a gift to an immediate family member; however, this exemption shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member except from a tract created with the previous five years, or a tract divide by means of a Claim of Exemption, and can only be further divided by Exemption through a Court Order, to secure a mortgage or to be donated to trust or non profit corporation. In addition, an irrevocable trust must be submitted and approved for tract being conveyed to minor children. As used herein the term "immediate family member" means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, grandchild, step grandchild, nephew and niece, whether related by birth, adoption or marriage.

ATTACH COPIES OF DEED, PREVIOUS SURVEY, PROPOSED CONVEYING DOCUMENTS, A CERTIFIED SURVEY SHOWING THE DIVISIONS, AND THE BIRTH CERTIFICATE, ADOPTION CERTIFICATE, MARRIAGE CERTIFICATE OR ANY OTHER DOCUMENTATION TO SHOW RELATIONSHIP CLAIMED. BAPTISMAL CERTIFICATES ARE NOT ACCEPTABLE DOCUMENTATION.

THE SURVEY NEEDS TO SHOW THE FOLLOWING NOTES:

- B. Zoning Map. The boundaries of the zone district shall be shown on the "Torrance County Zoning Map". The original copies of the zoning map and the Ordinance, and subsequent amendments thereto, shall be maintained by the County Clerk of Torrance County. Zoning maps shall be made available for public reference by the Zoning Director. There is a fee for a copy of an enlarged zoning map and a copy of the Zoning Ordinance set by the County Commission. A schedule of fees is available from the Zoning Director.
[REV: Ord. No. 2001-2, 3/14/01; Ord. No. 20____, XX/XX/XX]**

SECTION 8.0 CONSERVATION DISTRICT (C).

- A. Intent. This zone protects and preserves areas within the County which are characterized by their limited access, minimal development, limitations on water resources, natural beauty, fragile environment and native wildlife populations. Dispersed, very low density residential development and low intensity agricultural activities are allowed. Other agriculturally related activities may be allowed. Commercial uses will not be allowed except on a case by case basis in which the primary concern of the Zoning Board will be to minimize the environmental impact on the area. Development may be considered within a 1 mile buffer zone where the "C" Zone joins an incorporated municipality and density or minimum lot size or use within the buffer area may be dictated by the standards set for the adjoining area.
[REV: Ord. No. 95-11, 11/10/95; Ord. No. 97-1, 3/28/97; Ord. No. 20____, XX/XX/XX]**

- B. Permissive and Conditional Uses. No building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this zone district. Uses permitted by right and uses allowed upon obtaining a conditional use permit are described in the Torrance County Zoning Table of Land Uses, which is attached as Appendix 1.
[REV: Ord. No. 20____, XX/XX/XX]**

- C. District Standards. The following standards apply to all land use within this zone district:**

1. Minimum parcel size will be forty acres or 1/16 section, whichever is the smaller of the two, with the following exceptions:
[REV: Ord. No. 2008-003, 4/23/08]

- a. ~~Parcels smaller than the minimum parcel size which existed upon the effective date of these standards shall be allowed to remain and may be transferred at a future date by sale, inheritance or other legal means provided that such parcels are not divided into smaller parcels except as allowed by Section 8.0.C.1.b. regarding collateral for a mortgage.~~

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Mr. Guetschow states that he does not disagree with Mr. Oden's amendment suggestion. He points out that Mr. Oden's recommendation is for the Conservation Zone District. Mr. Guetschow suggests extending this amendment to the Rural Community Preservation District, the Agricultural Zone District and the AP-40 Zone District.

This ends Mr. Guetschow's presentation. Madam Commissioner DuCharme asks about the inclusion of the word "**placed**" on page 7. She asks why it is necessary to have this word here. Mr. Guetschow replies that in a recent court decision regarding a portable shed, (P&Z had a criminal complaint before the court because an owner did not have a structural development permit) the court judged that the existing wording in the ordinance did not clearly define pre-fabricated portable buildings that are brought out on a truck and placed on the property. The current regulation only refers to buildings that are erected on the ground. Mr. Wallin adds that the court case involved a smaller building, but because of the advent of modular homes the County needed to clarify that when those homes are moved in, they also need a development permit. "Placed" means if you bring in a building and place it on your property, it also has to be reviewed for a development permit. This would also cover "mini homes" that are brought onto a property and are on a trailer chassis. Commissioner Frost asks if everyone who buys a portable building and puts it on their property needs to have a permit. Mr. Guetschow replies that they are still allowing the latitude given by the NM State Regulation and Licensing Division- Construction Industries Division. Our regulation states that **no** structure shall be placed, however, in the building regulation from the State, their regulation reads that if it is 200 square feet or more in size, then it requires a permit. We have been giving that latitude and going along with the State maximum size. Madam Commissioner DuCharme asks if we were advised to add the word "**placed**" or if we are required by law to have it. Mr. Wallin replies that the County is not required. However, it is an attempt to clarify for the courts edification, and also for P&Z Staff's benefit going forward.

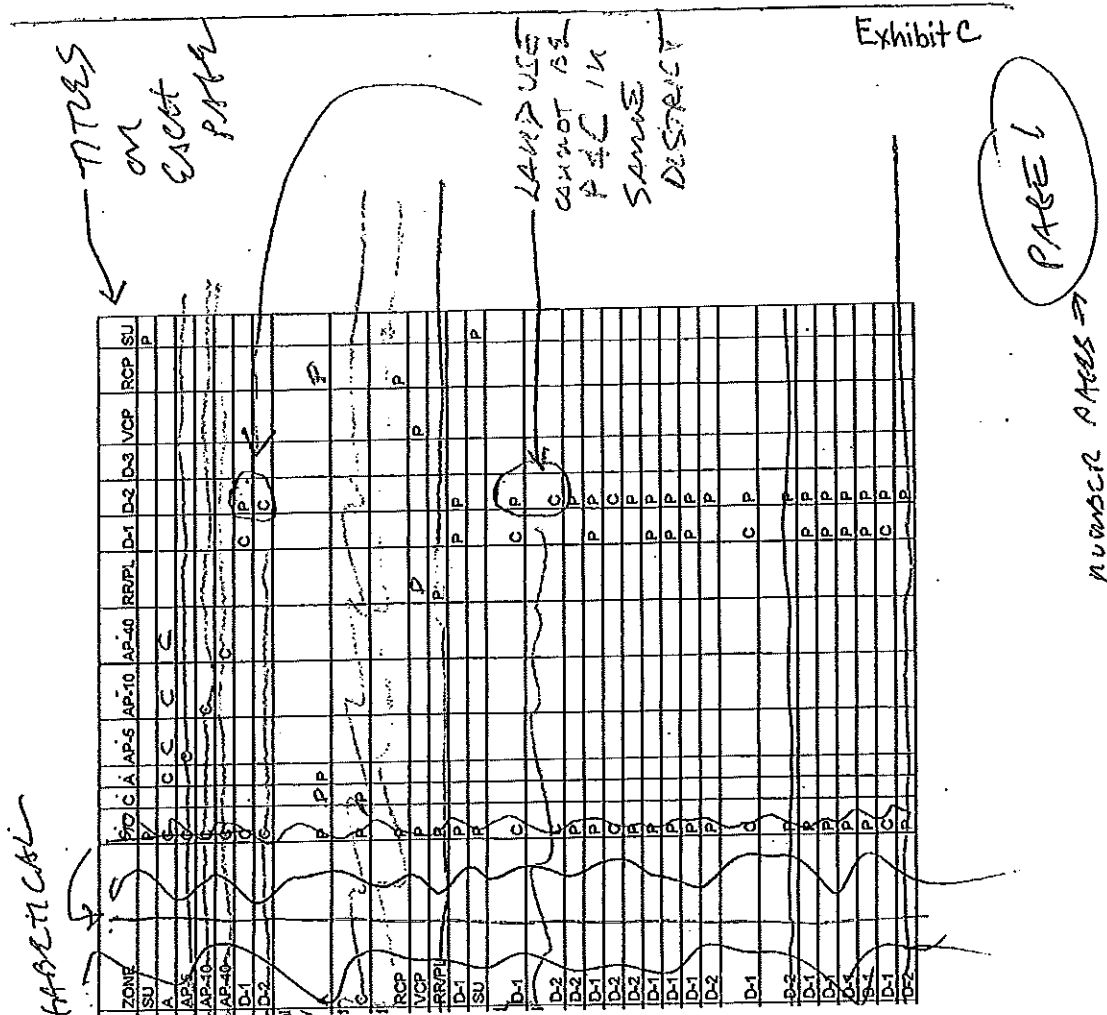
The Commission has no more questions for Mr. Guetschow at this time.

Mr. Wallin introduces the letter from Mr. Laird into this hearing as Exhibit A and Mr. Oden's letter as Exhibit B.

At this time, the Commission hears Public Comment on this item. Each person who signed the sign-in sheet for public comment is called to the podium. Persons are asked to state their name for the record and make their comment. Each Person has 3 minutes to comment. The Following persons gave public comment:

Mr. Arthur Swenka, resident, speaks in favor of Mr. Oden's suggested amendment and Mr. Guetschow's expansion of the amendment.

Mr. Jeff Laird, resident, comments on the letter he submitted, Exhibit A, and submits the following Exhibit C:



FROM STEVE TO 5/14

LIST LAND USE - PER ONLY ONCE - PER

ALLOWABLE LAND USE
Small Feedlot, Small
Small Feedlot
Small Feedlot
Small Feedlot
Accessory buildings;
Accessory buildings;
Accessory uses and structures necessary for the conduct of normal agricultural production including dwelling units for hired help and family members. (REV. Ord. No. 95-11, 11/1/95)
Accessory uses and structures necessary to carry out the above-listed permissive uses.
Accessory uses and structures necessary to carry out the above-listed permissive uses.
Accessory uses and structures;
Accessory uses and structures;
Accounting, bookkeeping, CPA;
Airports, subject to the following requirements:
All major repair work on vehicles shall be conducted within an enclosed building.
All major repair work on vehicles shall be conducted within an enclosed building.
All permissive uses allowed in the D-1 zone district.
Ambulance services, rescue service;
Amusement pines, carnival, circus;
Animal shelter, animal pound, animal kennel;
Antique dealers;
Appliance sales, service, and repair;
Art gallery or museum;
Auction houses (excluding livestock);
Automobile, truck, trailer, camper, RV, boat, sales, service, repair, rental;
Automobile, truck, trailer, camper, RV, boat, sales, service, repair, rental;
Bakery, confectionery;
Balletrooms, dancing instruction;
Bank, ATM, Savings and Loan, Credit Union;
Barber or beauty shop;
Bars, lounges, package liquor sales;
Beer, lounge, package liquor sales;

NOT A USE LAND USE

Mr. Laird informs all that he has a degree in Architecture and Planning from Illinois Institute of Technology in Chicago and worked for 30 years in Chicago working with various zoning issues for private developers, etc. He believes that a lot of work still needs to be done on this ordinance. He encourages the Commission not to improve this update at this time. Mr. Wallin thanks Mr. Laird for his valuable input.

Mr. Richard Lopez, resident, asks the Commission to review the ordinance with the focus that Torrance County is still rural. Keep the ordinance less intrusive.

Mr. Javier Sanchez, resident, states that we need to be mindful of our agricultural heritage and, at all times, make sure that opportunities are on a level footing for everyone regarding enterprises that people would like to embark on.

Ms. Linda Jaramillo, County Clerk, commends Mr. Steve Guetschow for all his hard work.

Mr. Tim Oden, resident, comments about the letter he submitted. He appreciates the Commission's consideration of the clarifying language he suggested.

Mr. Johnny Romero, resident, asks the Commission about the word "placed". He has steel containers on his property. He asks if he will have to permit his containers because of the word "placed". He comments that the ordinance is intrusive. He thinks many of the regulations being proposed are fine for the subdivisions, but not for our rural communities. He comments that the Land Grants are not being

informed about what is happening in the County. He thinks the Commission should reach out to these communities to keep them informed.

Mr. Michael Godey, resident, comments that he is concerned that, as a result of Mr. Oden's suggestion, lots could be created in configurations that would render them useless. He also states that he is concerned about safety issues that could result because of some of the recommended changes. People could resort to unsafe methods to work around the ordinance.

Mr. Cody Brister, resident, states that zoning matters can really open up a county, or can break it down and destroy a community. With respect to the medical marijuana issue, he asks if there is a large quantity of available 100 acre lots outside of subdivision areas. This business could create large revenue streams for our County. States that are adopting more open marijuana laws are experiencing an extreme jump in taxation revenue. Being an agricultural county, adding more restrictions puts a knife in our chances for any type of tax and revenue opportunity from these businesses. He agrees that the 200 square foot or larger rule makes sense. Writing an ordinance where a moveable building being placed would require a permit could cause a lot of issues.

Mr. Nathan Dial, resident, states that the ordinances are too intrusive. These restrictions were not placed on the people who built this County; if they had been, we would not be here.

Mr. Hank Van Es, resident, comments that he has searched through the powers of the Commission and he has not found any law that states that the Commission has any authority over private property. He has found a statute that says that the County Commission has authority over county property. Therefore, when the Zoning ordinance was passed, it only pertained to county property. He asks Mr. Wallin to provide him with a specific reference that gives the County Commissioners authority over private property.

This completes the Public Input portion of today's Public Hearing. All are thanked for their comments.

The Commissioner's discuss the proposed ordinance revisions/amendments. Madam Commissioner DuCharme asks about Mr. Johnny Romero's question about his steel containers; does he need a permit. Mr. Wallin clarifies that it is impossible to draft statutes or ordinances that cover every contingency; this is why we have courts, lawyers, and staff to interpret the statutes or ordinances. Mr. Wallin's office

has instructed staff to interpret the statutes and ordinances uniformly and consistently across the board, with some common sense. If a court disagrees with that interpretation, we accept what the court says. Situations must be dealt with on a case by case basis. There has been zoning in Torrance County since 1990. The ordinance is not being invented, we are trying to fix some things that have come up. These types of documents are always living, breathing documents that might be changed again. With regards to Mr. Romero's question, Mr. Guetschow states that yes, P&Z treats storage containers as free standing storage buildings. Most containers do not come close to meeting the 200 square foot criteria.

Mr. Guetschow comments that the problem arises when people chose to move into a storage unit and live in it. Madam Commissioner DuCharme asks if the County has the resources to enforce these proposed revisions. Mr. Guetschow replies that he could definitely use one or two more people out in the field. His office is currently having a lot of issues with manufactured housing not requiring authorization by the County before they issue a permit to set up a mobile home. As a result, a lot of illegal mobile homes are coming into the County on the weekends.

Madam Commissioner DuCharme asks if the County can regulate private property. Mr. Wallin answers absolutely. Counties, municipalities, and governmental entities do have the right to regulate zoning. That is a matter of state statute and case law.

Chairman Candelaria asks about State law. Mr. Wallin states that the general rule is that the most restrictive takes precedence.

Commissioner Frost comments that other counties also have zoning issues and ordinances on both county and public property. He is not in favor of limiting what can be done on agricultural property and property that has been here for generations, but there has to be rules. He states that he is not in favor of passing this ordinance today; he wants the comments that were heard today to be considered. He is in favor of tabling this today.

- a. **Adoption of Revisions to Torrance County Zoning Ordinance** All documentation attached. **ACTION TAKEN:** Commissioner Frost makes a motion to table this item and instruct P&Z to review today's comments and come back to the Commission. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed.
MOTION CARRIED, ITEM TABLED

This concludes today's Public Hearing.

Department Requests/Reports:

1. Updates

Linda Jaramillo, County Clerk, speaks. She states that we recently held a mill levy election for the Estancia School District. The levy passed, but out of 2,611 voters, only 88 voters voted. Ms. Jaramillo takes this opportunity to encourage everyone to get out and vote in our upcoming elections, stating, "Your vote counts."

Ms. Jaramillo presents the following election information to the Commission:

**TORRANCE COUNTY, NEW MEXICO
2016 GENERAL OBLIGATION BOND
ELECTION CALENDAR
ELECTION DATE: TUESDAY, AUGUST 16, 2016**

APRIL 2016						
S	M	T	W	T	F	S
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MAY 2016						
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29	30	31				

JUNE 2016						
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JULY 2016						
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31						

AUGUST 2016						
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SEPTEMBER 2016						
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25	26	27	28	29	30	

	County Commission Meeting Dates – 9:00 a.m.
X	Election Day

DATE	ACTIVITY	RESPONSIBLE PARTY
By Tuesday, May 10, 2016	Notice of proposed General Obligation Bond Election given to Local Government Division of the Department of Finance and Administration (§ 6-15-1, NMSA 1978)	County Manager Modrall Sperling
Wednesday, May 11, 2016	County Commission adopts Election Resolution and Proclamation calling for special general obligation bond election (§ 4-49-8, NMSA 1978)	County Commission
ASAP after adoption	Arrange for Election Resolution and Proclamation to be translated into Spanish	County Clerk Modrall Sperling
ASAP after adoption	Election Resolution and Proclamation in English and Spanish filed with County Clerk (§ 1-24-2, NMSA 1978)	County Manager
Wednesday, June 1, 2016	Submit Election Proclamation for Publication in English and Spanish to the <i>Albuquerque Journal</i> for publication on Monday, June 6, 2016 and Monday, June 20, 2016 (§ 1-24-2(B), NMSA 1978)	County Clerk
Monday, June 6, 2016	First publication of Election Proclamation in the <i>Albuquerque Journal</i> Post Election Proclamation on County Website	Newspaper County Clerk
Monday, June 20, 2016	Second Publication of Election Proclamation in the <i>Albuquerque Journal</i>	Newspaper
By Monday, June 20, 2016	County Clerk prepares ballot containing the questions, certifies same to ballot printer and transmits copy of certification to Secretary of State (§ 1-10-4(B), NMSA 1978 – Not less than 56 days before election)	County Clerk

DATE	ACTIVITY	RESPONSIBLE PARTY
Friday, July 15, 2016	Submit Notice of Election for publication in English and Spanish in the <i>Albuquerque Journal</i> at least once per week for 3 consecutive weeks on July 22, July 29, and August 5, 2016 (§ 4-49-8, NMSA 1978) and Post Notice of Election on County Website	County Clerk
Friday, July 22, 2016	First publication of Notice of Election once a week for 3 consecutive weeks, in English and Spanish in the <i>Albuquerque Journal</i> (§ 4-49-8, NMSA 1978)	Newspaper
Friday, July 29, 2016	Second publication of Notice of Election once a week for 3 consecutive weeks, in English and Spanish in the <i>Albuquerque Journal</i> (§ 4-49-8, NMSA 1978)	Newspaper
Monday, August 1, 2016	Submit Election Proclamation (including addresses of polling places and list of precinct board members) in English and Spanish to the <i>Albuquerque Journal</i> for publication on Friday, August 5, 2016 (7-12 days before election) (§§ 1-11-1 through -3, NMSA 1978)	County Clerk
From Thursday, August 4, 2016 until Tuesday, August 9, 2016	Post Election Proclamation in English and Spanish in the County Clerk's Office (§ 1-11-1 through -3, NMSA 1978), and Post on County Website (§ 1-1-15, NMSA 1978)	County Clerk
Friday, August 5, 2016	Third publication of Notice of Election once a week for 3 consecutive weeks, in English and Spanish in the <i>Albuquerque Journal</i> (§ 4-49-8, NMSA 1978)	Newspaper
Friday, August 5, 2016	Publication of Election Proclamation in English and Spanish in the <i>Albuquerque Journal</i>	Newspaper

DATE	ACTIVITY	RESPONSIBLE PARTY
Tuesday, August 16, 2016	ELECTION HELD 7:00 A.M. TO 7:00 P.M. Absentee ballots accepted until 7:00 p.m. (§ 1-6-10(B), NMSA 1978)	County Clerk
Wednesday, August 17, 2016 through Friday, August 19, 2016	County Canvassing Board meeting within 3 days after election to canvass returns and issue Certificate of Canvass (§ 1-13-3, NMSA 1978)	County Clerk County Commission Canvassing Board

AUGUST 16, 2016 SPECIAL ELECTION TIMETABLES

Registration Closes: July 19, 2016

Any qualified elector of the District who is not now registered and who wishes to vote at the Election, should register prior to 5:30 p.m. on this day.

Absentee by mail and In Person begins: July 19th 2016

Hours of voting will be 7:30 to 5:30 Mondays through Thursdays with the exception of the last Friday (8/12/16) and last Saturday (8/13, 2016) immediately preceding the election.

Alternate Site Voting begins: Saturday July 30th, 2016 In Moriarty

Voting will continue Tuesday August 2, 2016. Voting will be Tuesdays through Saturday from 10:00 AM to 6:00 PM and end on the last Saturday (8/13/2106) immediately preceding the election.

PRECINCTS AND POLLING PLACES

Consolidated

PRECINCT 1 & 2

ESTANCIA HGH SCHOOL GYM
709 HOPEWELL, ESTANCIA, NEW MEXICO 87016

PRECINCT 3

TORREON COMMUNITY CENTER
18 TORREON HEIGHTS RD., TORREON, NEW MEXICO 87061

PRECINCT 4

MANZANO CENTER
04 COMMUNITY CENTER RD., MANZANO, NEW MEXICO 87036

PRECINCT 5

MOUNTAINVIEW ELEMENTARY SCHOOL
2422 US ROUTE 66, MORIARTY, NEW MEXICO 87035

Consolidated

PRECINCT 6 & 13

MORIARTY CIVIC CENTER
202 BROADWAY AVE., MORIARTY, NEW MEXICO 87035

<u>Consolidated</u> <u>PRECINCT 7 & 14</u>	<u>MCINTOSH SENIOR CENTER</u> 14 E. WILLOW LAKE RD., MCINTOSH, NEW MEXICO 87032
<u>PRECINCT 8</u>	<u>WILLARD COMMUNITY CENTER</u> 520 N. BECKER AVE., WILLARD, NEW MEXICO 87063
<u>Consolidate</u> <u>PRECINCT 9 & 10</u>	<u>MOUNTAINAIR HIGH SCHOOL GYM</u> 900 W. 3 rd STREET, MOUNTAINAIR, NEW MEXICO 87036
<u>PRECINCT 11</u>	<u>ENCINO COMMUNITY CENTER</u> 527 A NORTH MAIN STREET, ENCINO, NEW MEXICO 88321
<u>PRECINCT 12</u>	<u>DURAN FIRE STATION</u> 19 VIDAL ST., DURAN, NEW MEXICO 88319
<u>PRECINCT 15</u>	<u>CALVARY CHAPEL</u> 2 W. SALINE PUMP RD., MCINTOSH, NEW MEXICO 87032
<u>PRECINCT 16</u>	<u>TAJIQUE COMMUNITY CENTER</u> 8636 HIGHWAY 55, TAJIQUE, NEW MEXICO 87016
<u>ABSENTEE/EARLY VOTING</u>	<u>TORRANCE COUNTY ADMIN. OFFICE</u> 205 9 th ST., ESTANCIA, NEW MEXICO 87016
<u>ALTERNATE EARLY VOTING</u>	<u>MORIARTY CIVIC CENTER</u> 202 S. BROADWAY ST., MORIARTY, NEW MEXICO 87035

(Election information will be published in the Mountainview Telegraph, not the Albuquerque Journal)

Ms. Jaramillo informs all that 17 year-olds are now eligible to vote if they will turn 18 before the November 8th General Election. Ms. Jaramillo and Deputy Clerk Ms. Linda Kayser will be going out to the local High Schools to register seniors and 17 year olds. Registration for our Primary Election closes on May 10th. Ms. Jaramillo encourages everyone who wants to vote in the upcoming Primary to make sure they are registered by the May 10th deadline. Early/ In-Person voting for the Primary Election will begin on May 10th in the Commission room. Questions? Please call the Clerk's Office @ 505-544-4350 or come in to the Clerk's office.

The Special Bond Election will be held on August 16th. 2016. The Primary Election will be held on June 7th, 2016, and the General Election will be held on November 8th, 2016. Everyone is encouraged to come out and VOTE.

Javier Sanchez, Emergency Manager, submitted the following written update:

Torrance County Commission Update
From Torrance County Emergency Management
April 13, 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. Reimbursement has been received in full from NM DHSEM and the grant closing documents have been submitted. 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 on April 14th 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 LEPC for an exercise program this year.
6. **WIPP Grant:** Annual project is planned for this project and funds are expected to be expended by the end of June 2016.
7. **2016 CRI Program:** Torrance County's participation in this program for 2016 has been completed. An after-action report & improvement plan regarding the county's portion of the full-scale exercise that took place on April 7-8th has been submitted to NM DOH.
8. **CERT Program:** A training class took place March 18-20th 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 took place April 4th, whereby stakeholders came together to begin the process of plan revision. The plan is intended to be fully revised by the end of June.
11. **Disaster Recovery Winter Storm "Goliath":** Actual costs and project summaries for the County have been 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:** Applications have been submitted to Nm DHSEM for two mitigation projects. Application deadline was March 31st.
13. **FY16 State Homeland Security Grant Program:** An application has been submitted to NM DHSEM including a total of five projects. Application deadline was the March 31st.

Betty Cabber, County Assessor, speaks. She reminds all that Notices of Value were sent out on March 25th. If people want to protest their Notice of Value or have questions or concerns about their Notices, they can contact the Assessor's Office @ 505-544-4300 or come in to the Assessor's office. The protest period ends at the end of day on April 25th. Ms. Cabber further explains that these values are what determines a property owner's taxes in November. The tax rate will not be determined until October. Her office will begin their full reappraisal of Mountainair sometime in July. Any changes that result from this reappraisal will appear in 2017. Persons with questions about available acreage in Torrance County can visit the Assessor's website or call or visit the Assessor's office.

Gloria Lovato-Zamora, an Heir of the Land Grant of Manzano and Secretary of the Manzano Land Grant Board, speaks. She states that most Land Grants have their own Planning and Zoning ordinances and she wants the Land Grants to be at the table when the County P&Z ordinance is being reviewed. She states that the Land Grant's P&Z protects their culture, traditions, heritage, etc. and this needs to be recognized. The County has copies of the Land Grant's MLG, the Manzano Land Grant ordinances and they need to be recognized and respected. Ms. Lovato-Zamora states that she has inherited two silos that she plans to move onto her property. She asks if she will need a permit if she places those silos on her property.

Commissioner Frost comments that last week he attended the EVEDA annual meeting. The Lt. Governor attended and spoke about economic development plans statewide. Ms. Myra Pancrazio informed Commissioner Frost that she will be attending a Commission meeting soon to give the County an update. Commissioner Frost also received a letter from the Lions Club; they are planning to have a dinner to celebrate our local Fire Fighters, Law Enforcement Officers, and Emergency Personnel and First Responders. August 20th is the tentative date. The Lions Club is asking for help from the public- donations of money or food, etc. are welcome. If anyone is interested in helping, they can contact Commissioner Frost for more details.

Madam Commissioner DuCharme reminds all that April 22nd is Earth Day. She states that for her, every day is Earth Day. She states that she is very passionate about recycling and encourages all to recycle. There is a recycling facility in Albuquerque that will sort your recycles for you. The EVSWA also accepts recyclables. Recycle to keep our County beautiful.

Chairman Candelaria states that he also attended the EVEDA annual dinner. There was talk again about the City of Albuquerque becoming a hub for trade and the 90 mile radius of the hub, which would include Torrance County. Chairman Candelaria also attended a paving conference which was presented by Holly Oil and several other contractors. A lot of information was presented. He learned about ESAL. The equivalent load most commonly used in pavement design in the US is the 18,000 lb. Equivalent Single Axle Load. Any time you see a truck going down the road, it is equivalent to 8,600 motor vehicles going down the road. You can imagine a truck going down our chip seal roads. This is one of the reasons we have so many potholes. We need to consider this going forward.

2. FY2017 Juvenile Adjudication Funding from Dept. of Finance and Administration- Tracey Master, DWI Prevention Specialist Ms. Ansley speaks; Ms. Master is not available this morning. This is the application for the Juvenile Adjudication Fund to be submitted to the Dept. of Finance and Administration. We are requesting \$5,263.00, the same amount that was requested in 2016. The funding is to support the Torrance County Teen Court program by providing defensive driving classes and materials and substance and mental health treatment for youth that are referred by Teen Court for such treatment. There is an in-kind match of \$7,800.00 that will come from the Moriarty/Edgewood School District for the Teen Court office and the Courtroom.

- a. Resolution 2016-14** All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve Resolution 2016-14. Commissioner Frost seconds the motion. Ms. Ansley clarifies that the County will not be paying anything, we are asking for funding from DFA. She further explains the revenue/expenditure summary that is attached to the resolution. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**
- b. Grant Application** All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Grant Application. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

3. Resolution 2016-15- Cash Transfers & Line Item Transfers between Funds- Amanda Tenorio, Finance Director Ms. Tenorio speaks. This resolution is for cash transfers and line item transfers between funds. The cash transfers will reduce the fund balance in the Wind PILT fund and Infrastructure tax fund and increase the General Fund, the Volunteer Recruit/Ret fund and the County Fair

fund. All documentation attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to approve Resolution 2016-15 Cash Transfers and Line Item Transfers between funds. Commissioner Frost seconds the motion. Madam Commissioner DuCharme refers to the Reason for Transfer listed in the Line Item transfer form. It reads, "Commission voted to transfer funds to pay IT consultant & first payment of employees matching portion of Insurance & Risk Management Insurance pay out. She states that she does not remember voting to pay an IT consultant; she asks when this was done. Ms. Ansley replies that she will need to research this, but the Commission did vote to have Ambitions Consulting Group come in. The Commission approved a contract with them to come in and help with the transition to fiber optic. There is discussion about the transfer for IT services. Madam Commissioner DuCharme asks if the fiber optic was installed in all 8 proposed sites as was originally stated. Ms. Ansley answers that the fiber optic was only installed in three of the sites. She states that the decision was made not to go forward with that many installations because the process was very complicated at this building (*the County Administrative Building*) and the County did not have the funding that was needed to install at the other sites; to run all of the switches and the lines and the installation costs to Plateau, etc. Ms. Ansley further explains that when they were initially looking at the project, the IT department informed her that the IT installation in all of the buildings was going to be a certain amount; when they got into it, the amount grew significantly. Madam Commissioner DuCharme states that she does not understand; the County received a quote from Ambitions for installation in all 8 sites. Ms. Ansley clarifies that Ambitions was hired as a consultant, not the installer. Our IT did the installation. The required changes were grossly underestimated, so the scope of work had to be cut back. Ambitions was paid to come in and oversee the network configuration, the system installation, and the switch over from wireless to fiber optic. Three sites were completed: the County Administrative Offices, the Road Department Building, and Hope Medical. Mr. Ray Cullen from the Assessor's Office/IT is asked to come to the meeting to comment on this issue. Madam Commissioner DuCharme asks Mr. Cullen why the fiber optic was not installed in all 8 sites. Mr. Cullen responds that he received a proposal for installation for all 8 sites. He states that the plan was to do all 8 locations. At a certain point, a decision was made to divide the project into three phases. Two of the three phases were rolled out. The last phase included the 8 locations, but only three were finished. Madam Commissioner DuCharme asks Mr. Cullen why the additional sites were not finished. Mr. Cullen states that it's just a matter of funding. Madam Commissioner DuCharme asks what the role of Ambitions is here. Mr. Cullen states that Ambitions offered to set up a wide area network so that all Torrance County facilities could function as if they were in the same building. In order to do that, we have to retrofit all of our switches, all of our

data links, and set up what's called a BGP, a Border Gateway Protocol. That gets costly. It was a funding consideration. Madam Commissioner DuCharme asks Mr. Cullen if the County received services from Ambitions. Mr. Cullen states that as of February 1, no. Mr. Cullen states that he has not been involved with this since Feb. 1. Ms. Ansley states that nothing from phase three was paid to Ambitions. The amount was paid to Ambitions for materials that Mr. Cullen needed for the installation for the internet. Ms. Ansley suggests looking at the itemized invoices. Madam Commissioner DuCharme asks if there was a modification made; materials instead of services. Who authorized that? Should this have been approved by the Commission? Chairman Candelaria states that this is part of the day to day operations as far as he is concerned; the departments know what they want and what they need. Madam Commissioner DuCharme asks what we need now to finish the additional sites. Mr. Cullen states that in order to go forward, the County would have to buy additional switches and additional infrastructure materials to retrofit the fiber optic connection to each of the locations. Then there would be a lot of configuration of the switches for the entire infrastructure to work as one LAN. That's what's included in the proposal with Ambitions. Ms. Ansley states that the contract with Ambitions was not fulfilled by either parties: the County or Ambitions. Ms. Ansley reads the minutes from the October 28, 2015 meeting when the Commission approved the contract:

At the last Commission meeting, the Commission approved the Contract between Torrance County and Ambitions Consulting Group contingent upon an hourly rate and a 'not to exceed' amount being added to the contract. To give some background, Ambitions is the consulting group that is on State Contract that is helping a lot of the communities with their IT issues. They will be help us convert from wireless to fiber optic. Ms. Ansley reviews the following quote for services from Ambitions:



Quote

Quote Number: 308

Payment Terms:
Expiration Date: 11/19/2015

Quote Prepared For

Joy Ansley
Torrance County
205 9th Street
PO Box 48
Estancia, New Mexico 87016
United States
Phone: 505-246-4726
jansley@tcnm.us

Quote Prepared By

Klara Glennon
Ambitions Technology Group
500 Marquette Ave. NW, Ste. 280
Albuquerque, NM 87102
United States
Phone: 505-234-7772
Fax: 888-384-3910
kglennon@ambitlonsgroup.com

ITEM	QUANTITY	ITEM NAME	UNIT PRICE	EXTENDED PRICE
One-Time Items				
1)	1	(Phase 1): Network Architecture Design and Planning Information Technology Research and Advisory Services: 40-000-14-00106 All	\$6,250.00	\$6,250.00

2)	40	(Phase 2): Fiber Internet/WAN at Main Building Network Services: 40-000-14-00106 All Senior Level, 5 Days, Network Redesign and Reconfiguration, New Firewall Implementation, Lobotnet Reconfiguration and Fiber Install and Configuration at the Main Building Location.	\$130.00	\$5,200.00
3)	128	(Phase 3): Fiber WAN Remote Locations Network Services: 40-000-14-00106 All Senior Level, Network Reconfiguration and Fiber Installation and Configuration, Two days per site at 8 additional sites.	\$130.00	\$16,640.00
		One-Time Total		\$28,090.00
		Subtotal		\$28,090.00
		Bernalillo County (7.19%)		\$2,018.97
		Total Taxes		\$2,018.97
		Total		\$30,108.97

Comment:

Authorizing Signature

Date 10.28.2015

Interest Charges on Past Due Accounts and Collection Costs: Overdue amounts shall be subject to a monthly finance charge. In addition, customer shall reimburse all costs and expenses for attorney's fees incurred in collecting any amounts past due. Additional training or Professional Services can be provided at our standard rates.

Madam Commissioner DuCharme asks if this is in compliance with Procurement. Ms. Ansley replies that they are on a State Contract, and the amount is under \$60,000 so it is considered a professional service, which is in compliance. All documentation hereto attached. **ACTION TAKEN.** Commissioner Frost makes a motion to approve the Price Agreement with Ambitions Consulting Group for IT Services. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED**

Ms. Ansley will pull the invoices to show the Commission what has been paid to Ambitions. She believes that Ambitions has been paid for phases 1 and 2 of the contract, but not phase 3. Madam Commissioner DuCharme asks why this transfer is being made now and not at the time of this approval. Ms. Ansley answers that Ms. Tenorio was new in her position and needed assistance wording the resolution to transfer the funds. DFA helped Ms. Tenorio with the resolution and it is now ready to be approved, along with several transfers that need to be finalized. Lastly, Ms. Ansley clarifies for the Commission that while the Commission agreed to allocate \$100,000.00 for the volunteer Fire Fighters stipends, only \$25,000.00 is being transferred now as we are almost to the end of the fiscal year. This will come up again during the budget process. No further discussion. The Commissioners vote: two in favor, Madam Commissioner abstains. **MOTION CARRIED**

4. Resolution 2016-16- Budget Increase- Amanda Tenorio, Finance Director

Ms. Tenorio speaks. This increase is for grant funds as listed on the schedule A of the Commission packet. All documentation attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2016-16 Budget Increase. Madam Commissioner DuCharme seconds the motion. No further

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

5. Resolution 2016-17- Line Item Transfers- Amanda Tenorio, Finance Director

Ms. Tenorio speaks. These requested line item transfers are listed on the schedule A of the Commission packet. They are within the departments budgeted funds for FY15 & 16. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2016-17 Line Item Transfers. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks about the line item transfers in the Road Department from road materials to printing/publishing, mileage per diem, training, and cattle guards/culverts. She asks why we are moving money from road materials. Mr. Leonard Lujan, Road Department Foreman, speaks. He states that when they first created their budget, they put a lot of money into their road materials fund. Now that we have our own pit, we don't need as much in there and the other funds need to be replenished. There is discussion about the training that the Road department will be attending. Madam Commissioner DuCharme states that she is having a hard time approving transfers out of the road materials fund when we don't have materials to patch Heritage Lane. Mr. Lujan states that the Road Department is working on creating their own patch to save the County money. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

6. Request to Pay Invoice without Purchase Order for Road Department- Trish Chavez, Administrator

Ms. Chavez speaks. She is requesting to have invoice 1817771-91396329 paid to the Association of Counties for registration for Mr. Lujan and herself. She turned in the invoice for payment before obtaining a purchase order. The amount of the invoice is \$350.00. All documentation attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the request to pay the invoice for the Road Department. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks what happened. Ms. Chavez replies that the department has been very busy and she just turned in the invoice and forgot to get the purchase order. Madam Commissioner DuCharme asks if this conference will be a training opportunity for Ms. Chavez. Yes, it will be. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

***Commission Matters:**

7. Contract Renewal between Wallin, Huss & Associates for Legal Services

All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to approve the contract renewal with Wallin, Huss & Associates for Legal Services. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks why this renewal is being done now; the first year of the contract terminated in October 2015. Ms. Ansley states that she asked Ms. Olivas for a copy of the contract last week because of a public records request and discovered it had expired; it was an oversight. Madam Commissioner DuCharme states that she was provided with a copy of the contract this morning and has not had time to review it. She asks if her fellow Commissioners have reviewed the contract. Chairman Candelaria replies that he is very familiar with the contract, the County has had a contract with Wallin and Associates for many years. Nothing has changed. Madam Commissioner DuCharme states that she sees that our County lawyer tries to prevent lawsuits against the County as much as possible. Mr. Wallin comments that he believes that this is the 14th year that his firm has represented Torrance County and in that time they have not raised their rates once. They bill the County at less than half of their usual rate and less than 1/3 of his usual rate. He states that he does this partly because he lives here and he considers it public service. He and his family are vested in this community. Madam Commissioner DuCharme sites instances when she was not satisfied with the service he provided to her. Mr. Wallin responds and there is discussion about his role as County Attorney. Commissioner Frost comments that this is a contract extension and he calls for the question. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

8. Proposed Vacation of County Road B093- Three Sevens Ranch Road

Ms. Ansley speaks. As the Commission is aware, the County received a request for vacation of this road. A viewing committee was appointed and the date of the viewing was published. Two members of the viewing committee attended the viewing; one member had a family emergency and was not able to attend. Letters of response from the view committee have been presented to the Commission and are included in the file for this meeting. Both committee members indicated that they recommend that the County vacate the requested portion of the road. All documentation hereto attached. **ACTION TAKEN** Commissioner Frost makes a motion to approve the vacation of County Road B093- Three Sevens Ranch Road. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme asks Mr. Lujan if he is familiar with the road we are vacating and if he

knows of other roads in the County that are similar to this one. He comes to the podium and states that he is familiar with this road and he does know of similar roads. Madam Commissioner DuCharme asks Mr. Lujan to provide her with a list of roads that are similar to this one; roads that have only one residence and go from highway to highway. Commissioner Frost calls for the question. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

9. Appoint Committee to Develop Request for Proposals for Solid Waste Services in Unincorporated Torrance County Ms. Ansley speaks. The request for interested volunteers for this committee was published in the local newspaper and letters of interest were received. Persons submitting a letter of interest were asked to attend today's meeting to participate in a short interview process. Letters of interest were received from the following persons:

Charlene Guffey, Mayor Ted Hart, Jason Quintana, Lonnie Freyburger, Daniel Darnell, Cody Brister, Bryan Ramsey, Manuel Romero, Steve Jones, and Michael Godey. (*Johnny Romero did not submit a letter of interest, but is here today requesting consideration*).

The following persons are in attendance today. They each come to the podium, state their names, give a brief personal statement and are interviewed by the Commission:

Charlene Guffey, Cody Brister, Manuel Romero, Steve Jones, and Michael Godey.

The following persons are not in attendance today. Ms. Ansley reads their letters of interest for the Commission:

Mayor Ted Hart, Jason Quintana, Lonnie Freyburger, Daniel Darnell, and Bryan Ramsey.

Each candidate is uniquely qualified and is thanked for their interest in participating in this committee. Mr. Johnny Romero did not submit a letter of interest and will not be considered at this time. The Commission decides to take action on each candidate individually. All documentation hereto attached.

Mr. Wallin makes a comment about Mr. Daniel Darnell, who is affiliated with Waste Management of New Mexico. Mr. Wallin advises that if Waste Management were to respond to the RFP, the fact that Mr. Darnell was on the

committee writing the RFP could, under the State procurement code, prohibit Waste Management from submitting a bid. The Commission decides not to appoint Mr. Darnell.

ACTION TAKEN: Chairman Candelaria makes a motion to appoint Steve Jones to the committee. Commissioner Frost seconds the motion. *(During the interview process, Madam Commissioner DuCharme expressed concern about Mr. Jones having a possible conflict of interest)* No further discussion. The Commissioners vote; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

ACTION TAKEN: Commissioner Frost makes a motion to appoint Bryan Ramsey to the committee. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to appoint Cody Brister to the committee to write the new RFP. Commissioner Frost seconds the motion. Commissioner Frost clarifies that the committee will make recommendations. The RFP will be written by County Staff with, perhaps, a consultant. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

ACTION TAKEN: Chairman Candelaria makes a motion to appoint Jason Quintana to the committee. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to appoint Mr. Ted Hart to the new RFP committee. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

ACTION TAKEN: Chairman Candelaria makes a motion to appoint Charlene Guffey to the committee. Commissioner Frost seconds the motion. Madam Commissioner DuCharme states that she is the Chairperson of this committee and she expressed her concerns and she is asking that the Commissioners hear those concerns. *(Ms. Guffey's husband is an employee of the EVSWA. During the interview process, Madam Commissioner DuCharme expressed concern about a*

conflict of interest.) No further discussion. The Commissioners vote; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to appoint Michael Godey to the new RFP committee. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to appoint Mr. Manuel Romero to the new RFP committee. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to appoint Mr. Lonnie Freyburger to the new RFP committee. Chairman Candelaria seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

ACTION TAKEN: Commissioner Frost makes a motion to nominate Mr. Johnny Romero to the committee. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

10. Request Approval of Solid Waste Ordinance 94-12 All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Solid Waste Ordinance 94-12. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks to discuss **Section 13: Solid Waste Management Fee, C. If there are multiple residences on a property, the solid waste management fee shall be assess on each such residence.** She asks why we would ask people who have multiple residences on a property, but only one household to pay twice or more for their garbage. Chairman Candelaria replies that if the multiple residences are occupied, they generate just as much trash as the person living next to them. Ms. Ansley comments that if the residence is vacant, people can apply for the vacant property discount. Commissioner Frost comments that this ordinance establishes the policy; fees will be discussed in the resolution. Madam Commissioner DuCharme states that she thinks this will create bureaucracy and more difficulties for County residents. Madam Commissioner DuCharme states that she believes that this is a new ordinance and asks if we should have another public hearing. Mr. Wallin replies no, we are not required to

have another public hearing. We are required to have one public hearing, which we had. The input from that hearing is part of this ordinance being reviewed today. Mr. Wallin clarifies for the Commission what they are voting on today. 1. The ordinance, which is the County Solid Waste policy. 2. Contracting with the Solid Waste Authority pending the RFP and that process. 3. Setting, by resolution, the rates.

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to incorporate her revisions to Solid Waste Ordinance 94-12. She reads the following recommendations/revisions:

1. This ordinance should apply to any contractor selected by the Torrance County Commission to collect solid waste in Torrance County. I therefore suggest the wording particular to EVSWA be eliminated or changed to "any contractor selected by Torrance County to collect, transport, recycle, or dispose of solid waste in the unincorporated areas of Torrance County." This would involve eliminating paragraph 2 on page 1, and replacing the Estancia Valley Solid Waste Authority by "any contractor selected by Torrance County to collect, transport, recycle, or dispose of solid waste in the unincorporated areas of Torrance County" in E. of Section 15.

Mr. Wallin clarifies that paragraph 2 on page 1 is a recitation of history only. Madam Commissioner DuCharme states that she want the EVSWA and private haulers to be on a level playing field. Mr. Wallin states that they have that. The "WHEREAS" clauses are just reverences to history. Madam Commissioner DuCharme states that she wants to eliminate paragraph 2 on page 1. She now states the revision she wants to **Section 15 Powers of the County, E. Develop, or authorize the Estancia Valley Solid Waste Authority to develop operating policies and procedures for the implementation of the provisions of this Ordinance.** Madam Commissioner want the revision to read, "Develop, or authorize any contractor selected by Torrance County to collect, transport, recycle or dispose of solid waste in the unincorporated areas of Torrance County to develop operating policies and procedures for the implementation of the provisions of this ordinance." Mr. Wallin states that he agrees with this suggested revision.

Ms. Jones, myself, reminds the Commission that there is already a motion on the table from Commissioner Frost to approve 94-12. Mr. Wallin suggests that Madam Commissioner DuCharme make motions one by one to amend Commissioner Frost's motion to add her suggested revisions.

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to amend Commission Frost's motion and eliminate 'Estancia Valley Solid Waste Authority' from **Section 15 Powers of the County, E. Develop, or authorize the Estancia Valley Solid Waste Authority to develop operating policies and procedures for the implementation of the provisions of this Ordinance** and revised it as follows: **Section 15 Powers of the County, E. Develop, or authorize any contractor selected by Torrance County to collect, transport, recycle or dispose of solid waste in the unincorporated areas of Torrance County to develop operating policies and procedures for the implementation of the provisions of this ordinance.** After input from Commissioner Frost, Chairman Candelaria, and Mr. Wallin, Madam Commissioner DuCharme revises her revision to read as follows: **Section 15 Powers of the County, E. Develop, or authorize any contractor selected by Torrance County, including the Estancia Valley Solid Waste Authority, to collect, transport, recycle or dispose of solid waste in the unincorporated areas of Torrance County to develop operating policies and procedures for the implementation of the provisions of this ordinance.** Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

This amendment will become part of Commissioner Frost's main motion to approve 94-12.

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to amend Commission Frost's motion and eliminate Paragraph 2 of Page 1 of Ordinance 94-12. **WHEREAS, the Torrance County Board of Commissioners participated in establishing the Torrance County Solid Waste Authority, which is now known as the Estancia Valley Solid Waste Authority, for the purpose of providing a coordinated county-wide program for the collection of solid waste in cooperation with the incorporated municipalities of Moriarty, Estancia, Mountainair, Encino, Willard and Vaughn;**.. Mr. Wallin reiterates that this is a statement of historical reference only; it just states a fact. Madam Commissioner DuCharme states that it is misleading. After some discussion, 'Vaughn' is eliminated from this historical reference. After further discussion, Chairman Candelaria calls for a second. There is no second. **MOTION DIES**

Madam Commissioner DuCharme asks to make a change to wording at the end of page 1; she asks to replace **Solid Waste Management Fee** with 'Solid Waste Disposal Fee'. Mr. Wallin comments that the term 'Solid Waste Management Fee' is taken from State statute and he believes it is in the best interest of the County to stay within the statutory language.

Madam Commissioner DuCharme asks to make a change to the wording in **Section 13: Solid Waste Management Fee A. Payment of the solid waste management fee shall be the obligation of the responsible party for each residence located in the unincorporated area of Torrance County.** She states under A., the County imposed solid waste disposal fee shall not be collected from residences served by alternate disposal, such as private haulers. The point is that trash should be regularly collected at every occupied residence. Residences already compliant with the solid waste ordinance using private haulers should not be double billed. She requests that **Section 13 A.** read, "Payment of a solid waste management fee should be the obligation of the responsible party for each occupied residence located in the unincorporated area of Torrance County. The fee may be collected by the contractor providing the disposal service." Mr. Wallin recommends that this amendment is not made; that the fees be dealt with in the resolution. Madam Commissioner DuCharme does not want to double bill or addition billing to residents.

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to amend Commission Frost's motion and make the revision to **Section 13 A** as written above. Chairman Candelaria calls for a second. There is no second. **MOTION DIES**

No further discussion. The Commission votes on Commissioner Frost's original motion including Madam Commissioner DuCharme's amendment to **Section 15 E** only. Two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

11. Request Approval of Proposed Contract with Estancia Valley Solid Waste Authority All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the contract with the Estancia Valley Solid Waste Authority. Chairman Candelaria seconds the motion. Ms. Ansley comments that the tipping fees are not addressed in this agreement. Madam Commissioner DuCharme asks if the tipping fees are addressed in our current contract. Ms. Ansley needs to review the current contract to know. She states that at the last Commission meeting, Mr. David Saline proposed using an alternative method to address the tipping fees, such as the County seeking a CDBG grant. The Commission asked Ms. Ansley to meet with Mr. Ellis, Mr. Wallin and the attorney for the EVSWA and come up with a contract that reflected this proposal, which is what is before the Commission for approval today. Mr. Wallin states that the

tipping fees are not specifically addressed in the current contract. Mr. Ellis, EVSWA Manager, states that the new contract being presented for consideration today does not address tipping fees. He states that the current contract does address tipping fees. He states that the EVSWA pays the tipping fees at the land fill out of the revenue stream that they collect from the billing. Madam Commissioner DuCharme asks how many people work on the billing. Mr. Ellis replies four. Madam Commissioner DuCharme asks how much it costs to have those four people. Mr. Ellis does not have those figures available. Madam Commissioner DuCharme asks her fellow Commissioners why we are going with a new contract that does not include tipping fees when the current contract does. Ms. Ansley reiterates that the reason the Solid Waste Authority asked the County to work on a new contract is because the current contract is not meeting the financial obligation of the County for the County customers. The new contract is addressing the operation of the collection stations and the billing service. She states that she and Mr. Wallin are working on a new agreement indicating that the County is going to pursue grant funding to balance out the tipping fees. Mr. Wallin states that the new contract being presented to the Commission today should not cost the County any additional money. However, the tipping fee portion is still being worked on. There is further discussion about the pros and cons of the new contract. Commissioner Frost calls for the question. No further discussion. The Commissioners vote; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

12. Request Approval of Resolution No. 2016-18, Setting Solid Waste Rates for County Customers Ms. Ansley reads the following resolution into the record:

RESOLUTION 2016-18

Establishing the Solid Waste Management Fee as provided in Ordinance 94-12

WHEREAS, the County of Torrance has entered into a contract for collection and billing of solid waste services for the residents of unincorporated Torrance County, with the Estancia Valley Solid Waste Authority; and,

WHEREAS, said contract with Estancia Valley Solid Waste Authority identifies costs associated with providing collection and billing of solid waste services to residents of unincorporated Torrance County; and,

WHEREAS, the Torrance County Board of Commissioners does levy the Solid Waste Management Fee enacted in Ordinance 94-12, to offset the costs of solid waste services for the citizens of unincorporated Torrance County; and,

WHEREAS, the Torrance County Board of Commissioners, upon revising solid waste ordinance 94-12, does wish to grant certain discounts of the solid waste management fee to residents of unincorporated Torrance County, by resolution;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Torrance County that the Solid Waste Management Fee will hereby be established at the base rate of \$19.21 plus tax per month per billable account, and so instructs the Estancia Valley Solid Waste Authority to proceed as contracted; and,

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Board of County Commissioners instructs the Estancia Valley Solid Waste Authority to offer the following discounts to County residents who qualify:

1. Any responsible party, as herein defined, may make application to the Solid Waste Authority, on forms approved by said Authority, for a reduced monthly fee as set out above, and by furnishing to the Authority with said application proof that the responsible party is (1) over the age of 65 years; and qualifies for public assistance; (2) or an individual that qualifies for public assistance according to the standard of need as set forth in Sections 27-2-3 and 27-2-4 NMSA 1978, as they currently exist or may hereafter be amended. Upon approval of the application, the solid waste management fee for any such responsible person shall be 50% (Fifty Per Cent) of the established solid waste management fee.
2. Any responsible party contracting with a private hauler franchised to collect and transport solid waste within the county shall be entitled to a reduction of the established county solid waste management fee. The reduced rate is hereby set at \$6.40 per month, plus tax. Proof of contract with a private hauler shall be the responsibility of the property owner, and shall be submitted biannually. If it is determined that the contract with the private hauler has been terminated, the Estancia Valley Solid Waste Authority will change the billing for that property owner to the full amount.

NOW THEREFORE, BE IT STILL FURTHER RESOLVED that the Board of County Commissioners further instructs the Estancia Valley Solid Waste Authority to waive the solid waste management fee to any responsible party owning or possessing a vacant residence, upon affidavit and verification that the residence is indeed vacant. Affidavit and verification submittal to the Estancia Valley Solid Waste Authority shall be the responsibility of the property owner, and shall be submitted biannually. Any property owner falsely certifying that a residence is vacant is in violation of the Solid Waste Ordinance, and is subject to penalties set forth in Section 16.A.

PASSED, APPROVED AND ADOPTED this 13th day of April, 2016.

TORRANCE COUNTY COMMISSION

LeRoy Candelaria, Chair

Jim Frost, Member

Julia DuCharme, Member

Attest:

Linda Jaramillo, Clerk of the Board

All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2016-18 setting the Solid Waste Rates for County Customers. Chairman Candelaria seconds the motion. Commissioner Frost comments on the importance of persons who own vacant property submitting

verification that the property is vacant to get their discount from the EVSWA. Madam Commissioner DuCharme states that she is happy to see the exemption for vacant property owners and the discount for persons over 65 and/or persons who qualify for public assistance. She states that only offering discounts for persons who use a private hauler is very bothersome to her. She states that the Commission just received a letter from the Attorney General's office questioning this. We know that a petition was written and signed by many people. The petition and the letter were sent to the Attorney General's office and there is no closure to it yet. She states that she thinks this is a step forward in the right direction, but she still does not think that the County has the right or the EVSWA has the right to charge people who already dispose of their trash legally. She believes that the portion of the resolution that talks about discounts for residents who use a private hauler should be eliminated. Commissioner Frost comments that there are residents who want no discounts for anyone and there are residents who would like to have it all for free. There needs to be compromise; give and take. No further discussion. The Commissioners vote; two in favor, Madam Commissioner DuCharme is opposed.
MOTION CARRIED

13. Potential Violation of the Hatch Act by Torrance County- Dennis Wallin, County Attorney Mr. Wallin speaks. He states that he spoke with the Special Counsel of the US Attorney's Office, Department of Justice, who handles Hatch Act issues- exactly the same Counsel that wrote the letter for Mr. Sanchez. She confirmed that there is absolutely no violation of the Hatch Act. She also didn't have any record of anyone else, other than Mr. Sanchez, contacting her office regarding the question. The law, under the modification of the Hatch Act passed in 2012, states that as long as your entire salary is not paid by federal funds you can run in a partisan election. Madam Commissioner DuCharme states that the question was not whether Mr. Sanchez could run or not, it was whether he could continue to receive a salary while he ran or if he has to go on unpaid leave. Mr. Wallin replies that there is no requirement that Mr. Sanchez go on leave; he can keep his position as long as it is not totally funded by federal funds. Chairman Candelaria adds that Mr. Sanchez cannot use his government position to further his campaign. Mr. Wallin agrees. All documentation hereto attached. **NO ACTION, INFORMATION ONLY**

14. Request Appointment of an Advisory Committee to the Veteran's Advisory Board- Fred Sanchez Mr. Sanchez and Mr. Rick Lopez have requested that this item be tabled. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to table this item. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **ITEM TABLED**

15. Establishment of County Road Maintenance Priorities- Hank VanEs Mr. VanEs speaks. Mr. VanEs has requested that this item be tabled. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to table this item. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **ITEM TABLED**

***County Manager Requests/Reports:**

16. Update

Ms. Ansley reminds the Commission that if they would like to put a cap on how many employees from each department are allowed to attend a conference of the Association of Counties, they can put the item on the agenda; it has been done in the past. *(It is too late to affect the summer conference).*

Earlier in today's meeting, Madam Commissioner DuCharme was questioning the invoices paid to Ambitions Group. Ms. Ansley has pulled the invoices for Madam Commissioner DuCharme to review. Ms. Ansley reads the dates and amounts of the invoices. The total amount paid to-date to Ambitions is \$42,580.09. The services for the fiber optic project, which is what would be identified in the scope of work of the contract that was approved, totals \$13,816.99. The materials that were purchased for the fiber transition project totals \$22,747.67. Ambitions has been providing IT services to the County on a time and materials basis not related to the fiber optic project, and for that we have paid \$6,015.43.

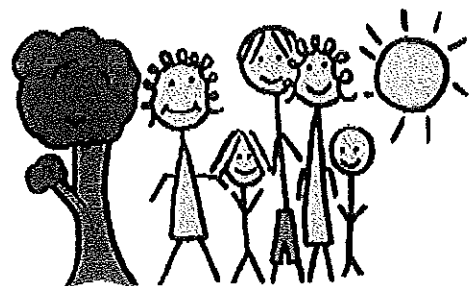
Madam Commissioner DuCharme states that we are already in the middle of April. She asks when we will discuss the budget for the new fiscal year. Ms. Ansley replies that the preliminary budget is being put together now, but we do not usually have a public hearing until it is final budget time. She explains that the preliminary

budget is basically a place holder that has to be submitted to DFA. If the Commission wants additional public hearings, they need to give that direction. June 1st is the deadline for submission of the preliminary budget to DFA. Madam Commissioner DuCharme states that the Commission needs to see the budget before it is submitted. Ms. Tenorio is planning to present the preliminary budget during the second Commission meeting in May. Someone from DFA is coming to assist Ms. Tenorio at the beginning of May. Ms. Tenorio states that she will try to present it sooner, but cannot promise this.

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.

Debbie Ortiz, resident, speaks. She is here today representing the Partnership for a Healthy Torrance Community. She invites all to the Family health and Safety Fair and she presents the flyer attached below. She also states that the CNMEC Annual Meeting will begin at 11:00AM, immediately following the Fair. All are encouraged to attend.

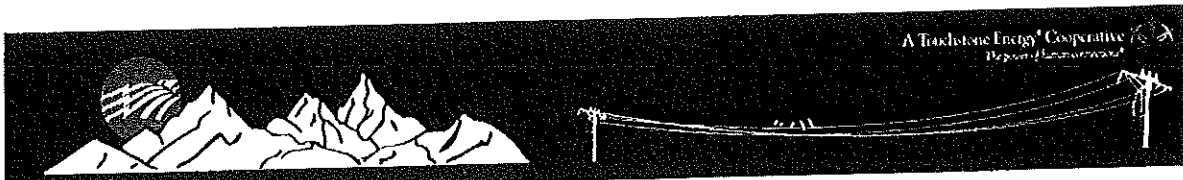


**CNMEC ANNUAL MEETING
BEGINS AT 11:00**

BILLIE CLARK
bclark@lobo.net
505.832.4495

- ♦ Vision Screenings
- ♦ Pregnancy Services
- ♦ Health Care & Centennial Care
- ♦ Human Services/ Income Support
- ♦ Senior Services
- ♦ Behavioral Health & Prevention
- ♦ Blood Pressure/ Height/ Weight
- ♦ Tobacco Cessation
- ♦ Veterinary Care
- ♦ Vocational Rehabilitation
- ♦ Child Protective Services
- ♦ Juvenile Justice Services
- ♦ Home Visiting
- ♦ Domestic Violence Services

Much More



Central New Mexico Electric Cooperative, Inc.

Cody Brister, resident, speaks. He states that he is standing before the Commission with a broken heart. He states that he sat here today and watched two of our County Commissioners bow their heads and turn their backs on 4000 citizens in this County and allow for double billing and approve the 94-12 ordinance without changes made to it by the Public Hearing. He states that within the ordinance, the Commission completely eliminated all discounts. He states that even though it says so on the fee sheet, the contract eliminates all discounts for all individuals who were receiving discounts prior to this. He states that he was contacted by the Attorney General about the solid waste issue also. He states that he is saddened, and disgusted, and will have to work twice as hard to fix the problem now.

May Bernard, resident, speaks. She states that she received a waiver from the Estancia High School regarding a program called the Respect Program. The waiver has a Torrance County heading. She came to the Torrance County Administrative Offices to get more information and states that apparently, Torrance County has no records regarding this waiver or the address or the owner of the waiver. There is however, an agreement between Torrance County and Estancia High School regarding this program. Ms. Bernard states that when she talked to Ms. Barela she found out that there is no 501c3 filing or any type of legal filing in the State of

New Mexico State office in Santa Fe regarding this program. Yet, this program is going to occur next week and they are utilizing County resources such as the police officers, the Sheriff, and a host of other people that are County employees to participate in this program. Ms. Barnard states that she found out that these people are being paid to participate in this program. The program lasts for a week. The County employees are getting paid to participate and the teachers who would normally be teaching these kids are still also getting paid by federal funds. Although this program is supposedly being funded by private donations, indirectly the County is paying for that time off.

Michael Godey, resident, speaks. He suggests that the Commission could consider creating an ordinance that would limit the number of employees that could travel to various seminars, etc. They could put it into effect after the upcoming summer conference so they could respect the commitments to the employees that they have already made.

Manuel Romero, resident, speaks. He states that he is the gentleman that wrote the Attorney General. He received a copy of the letter that was sent to the County. Last Wednesday there was an article in the Independent that was quoting him. He states that he does not know how this happened because that was personal correspondence between the Attorney General, the County, and himself. He states that the article made it seem like someone had contacted him, but no one had and he does not appreciate this. The issue has not been resolved; it will be resolved by the Attorney General based on the recommendation from the County, which Mr. Romero has not received yet. He will be following up with the Attorney General.

EXECUTIVE SESSION:

As Per Motion and Roll Call Vote, Pursuant to New Mexico State Statute Section 10-15-1, the Following Matters Will be discussed in Closed Session:

- a) Personnel Matters: Pursuant to Section 10-15-1(H)(2), Discuss Limited Personnel Matters ref: the outcome of the February 8th, 2016 Grievance Hearing**
- b) Pending or Threatened Litigation: Pursuant to Section 10-15-1(H)(7), ref: Complaint to Attorney General's Office Regarding Solid Waste Management Fee and Attorney General's Letter to County Dated March 23, 2016 and County Attorney's Response.**

ACTION TAKEN: Commissioner Frost makes a motion to go into Executive Session. Chairman Candelaria seconds the motion. Roll Call Vote: District 1-Yes, District 2-Yes, District 3-Yes. **MOTION CARRIED.**

Executive session starts at 3:11 pm.

***Reconvene from Executive Session:**

Pursuant to Open Meetings Act, Section 10-15-1(J), Commission Report from Closed Meeting:

- c) Consider and Act upon Personnel Matters Regarding the February 8, 2016 Grievance Hearing, if necessary**
- d) Report on Complaint to Attorney General's Office Regarding Solid Waste Management Fee and Attorney General's Letter to County Dated March 23, 2016 and County Attorney's Response, if necessary.**

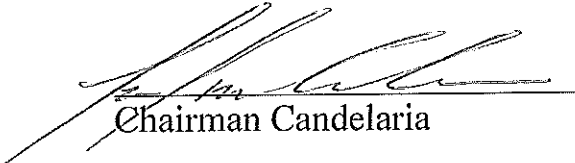
ACTION TAKEN: Commissioner Frost makes a motion to reconvene from Executive Session. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

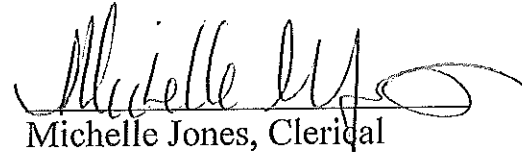
Chairman Candelaria states that during Executive Session, they discussed Personnel matters regarding the February 8, 2016 Grievance Hearing and no action was taken.

Chairman Candelaria states that during Executive Session, they discussed the complaint to the Attorney General's office regarding the Solid Waste Management Fee and the Attorney General's letter to the County dated March 23, 2016 and the County Attorney's response. He calls for discussion about whether the Commission wants to make the County Attorney's response letter public. Mr. Wallin clarifies that his letter to the Attorney General is already public record. The Question is whether or not the legal opinion that he had previously provided to the Commission should be made public because it was privileged. The privilege belongs to the Commission. **ACTION TAKEN:** Commissioner Frost makes a motion to release the County Attorney's response/legal opinion to the public. Madam Commissioner DuCharme seconds the motion. Commissioner Frost's comment is that he sees no reason to keep it secret. Chairman Candelaria concurs. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

*Adjourn

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the April 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 4:00 pm.


Chairman Candelaria


Michelle Jones, Clerical

4/27/16
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.