

**Final Copy
Torrance County Board of Commissioners
Commission Meeting
April 27, 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 27, 2016 meeting to order at 9:01 am. He welcomes all those present to the meeting and leads us in the pledge. Ms. Linda Jaramillo, County Clerk, gives the invocation.

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the April 13, 2016 Regular Meeting Minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the April 13, 2016 Regular Commission Meeting Minutes. Chairman Candelaria seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Agenda:

Chairman Candelaria has received a request that today's agenda item #9 be moved up to #2 on the agenda. He asks for a motion to approve today's agenda with this requested change. **ACTION TAKEN:** Commissioner Frost makes a motion to approve today's Commission Meeting Agenda with the requested change. Madam Commissioner DuCharme 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 numbers 6442516, 6542516, and 6642516 totaling \$21,388.74; these are payments to New Mexico Apparatus LLC. She states that she thought the Commission approved these payments at the last Commission meeting. She modifies her question and asks if anyone checked to make sure that this work was done. Ms. Ansley replies that she is sure the work was done, but she will confirm with the Fire Chief. Madam Commissioner DuCharme now asks about invoice numbers 142516 and 242516 totaling \$5,613.95 paid to Ambitions Technology Group LLC. She states that we just paid Ambitions group at the last meeting and she sees that we are paying them again. Ms. Ansley replies that yes, we paid them at the last meeting. They are on a contract with us for time and materials so they are going to bill the County any time they perform IT services for us, which they are doing on a daily basis right now. Madam Commissioner DuCharme asks what kind of services we are receiving from them and when was the contract with them approved. Ms. Ansley replies that we are receiving IT services from them, (help with email issues, computer issues, etc.) and she signed a time and materials contract with them in February. Madam Commissioner DuCharme asks if the time and materials contract was approved by the Commission. Ms. Ansley replies no, but a total care contract with Ambitions should be approved by the Commission. Mr. Wallin comments that the time and materials contract could be signed by Ms. Ansley and not approved by the Commission as it is part of the day to day operations of the County, which the Commission has charged Ms. Ansley with handling. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

There are no indigent claims on the consent agenda today.

Action Items

Items to Be Considered and Acted Upon

Department Requests/Reports:

1. Updates

Linda Jaramillo, County Clerk, speaks. She gives a brief update on elections. She distributes some sample ballots for the upcoming Primary Election to the Commissioners. She states that our County's ballots have been proofed and approved. Sample ballots are available for viewing on the County Clerk's website and in the Clerk's office. She points out that the Primary Election ballots will differ depending on the voter's commission district; only commission district 3 is up for election this year. Absentee and early voting will begin May 10th here in the Torrance County Courthouse, making the courthouse an active voting site. Beginning May 10th, campaigning is not allowed within 100 feet of this building or within this building. Ms. Jaramillo asks all the department heads to help to enforce this law. Ms. Jaramillo has been running notices in the newspaper about the upcoming election: voting sites, voter registration, etc. If anyone has questions or needs assistance concerning voting, they are encouraged to go to the Torrance County Clerk's website, or call or visit the Clerk's office.

Leonard Lujan, Road Department, speaks. In the next few weeks, the Road Department will be finishing their State projects for this fiscal year. Next week, they will start prep work on Deer Canyon and Juan Tomas for graveling in May. They are blading right now in the McIntosh area heading towards Moriarty. The guys have been working extra; blading on Fridays to catch up on roads they have been receiving complaints about. They are going to make patch material tomorrow. They have also started to build their own cattle guards; they have built two so far. They are going to begin replacing old 12-14 ft. cattle guards with new 20 ft. cattle guards. Madam Commissioner DuCharme asks about Heritage Lane. Mr. Lujan reiterates that they are making their patch tomorrow. He adds that they should be patching Heritage Lane next week, along with several others. Madam Commissioner DuCharme states that she received a complaint from a resident who lives in Sweetwater Hills and uses Appaloosa Road. Mr. Lujan states that he spoke to this resident yesterday. They are going to patch what they can on Appaloosa Road now and do more substantial work on it in August.

Steve Guetschow, Planning and Zoning Director, speaks. He informs the Commission that yesterday Keers Special Waste Management completed their application packet for renewal of their Special Use dump south of Mountainair. They are scheduled to come before the Commission for renewal of their permit at the May 24th Commission meeting.

Cindi Sullivan, TC Animal Shelter, submitted the following written report:

Torrance County Animal Shelter

April 26 2016

Cindi Sullivan Shelter Director

REPORT FOR: January-February-March 2016

Total number of animal-	106
Live exits:	55
Stray euthanized:	11
Owner turnover euthanized:	35
Area animals came from -	
Torrance County-	90
Mountainal-	2
Morlarty-	14
Estancia-	0
Still in shelter-	0

DOGS: 89 CATS: 17 OTHER: 0 BITE CASES : 1

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

Cindi Sullivan 13 yrs (FT) Danette HuckIns 8 years (FT) Karl Fowler (PT) Michael Seager(PT)

NEWS AT THE SHELTER :

Our main concern at this time is to get the new foyer project started.

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

TORRANCE COUNTY LICENSES PURCHASED:

(2009: 92) (2010: 73) (2011:102) (2012: 76) (2013: 72) (2014: 137) (2015: 225) 2016: 37 TOTAL : 833

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

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

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

Gloria Lovato-Zamora, an Heir of the Land Grant of Manzano and Secretary of the Manzano Land Grant Board, speaks. She begins by quoting from Psalm 24.1. She states that she attended the April 13th Commission meeting when the

Commission tabled the additions and revisions to the Zoning Ordinance. At that time, she stated to the Commission that most land grants have their own zoning ordinance. She knows this item is on the agenda to be discussed again today. She presents the Commission with the following documents:

- A Memorandum for the Record from La Merced del Pueblo de Manzano to the Torrance County Commission, the NM Office of the Attorney General, the NM DFA, Local Government Division, and to Rep. Bill Redmond, US Congress dated April 15, 1998 Subject: Application of subdivision regulations to the Manzano Land Grant and surrounding areas. *(A copy of this Memorandum is included in the file for this meeting).*
- A Memorandum for the Record from La Merced del Pueblo de Manzano to the Torrance County Commissioners dated January 15, 1999 Subject: Planning and Zoning Authority of the Manzano Land Grant Commission. *(A copy of this Memorandum is included in the file for this meeting).*
- Ordinance No. MLG-1-99, delineating the planning and zoning authority, powers, and responsibilities of the Manzano Land Grant Commission. *(A copy of this ordinance is included in the file for this meeting.)*

She states that she also has copies of the same memorandum for the record sent to the TC Commission on Sept. 12, 2005, Jan. 28, 2013, and Feb. 13, 2013. To their knowledge, the Merced del Manzano has never received a response to these business letters. She states that as an heir, and a Commissioner, they believe that they have the land rights and water rights, under the Treaty of Guadalupe Hidalgo 1848. They have a right to be a governed entity under this treaty. They were given lands with laws that go back to 1598. She states that the boundaries of the land grants were not predetermined according to any formal grid and instead were established according to the natural contours of the land, resulting in irregular shapes, etc. She further states, among other things, that land grant means a grant of land in the State of New Mexico made by the Government of Spain or by the Government of New Mexico and confirmed by the Congress of the United States. She quotes from the New Mexico Constitution and reads a quote from Nelson Mandela. "When a man is denied the right to live the life he believes in, he has no choice but to become an outlaw."

Daniel Antonio Herrera, a Board member from the Manzano Land Grant. He also wants to remind the Commission that the Treaty of Guadalupe Hidalgo is the basis and the foundation of our State Constitution. He states that not only do our rights emanate from the State Constitution, all of our rights are corresponding between the land grants and the Federal Government. He states that every time they seem

to bring back all of their documents, they seem to get lost. He states that those days are over.

Commissioner Frost has no update today.

Madam Commissioner DuCharme states that last Saturday they had their first RFP committee meeting. Six committee members were able to attend. Ms. Olivas provided the committee with a draft of an RFP for solid waste services. The committee members will begin to identify the scope of work. They will have their next meeting on Saturday, May 14th at 10:00am at the Estancia Library. They plan to discuss what each committee member will present at that meeting.

Chairman Candelaria states that last week he attended a conference for the NM DOT in Las Cruces. The highway department is making a great effort to try and recycle and reuse their materials; millings for example. They have already started this in District 1; they are taking crushed material and recycling it. They are now trying to figure out a formula and type of oils that can be used for this recycling process. It will probably affect our County as we try to request materials from the State for our projects.

9. Request Appointment of an Advisory Committee to the Veteran's Advisory Board- Fred Sanchez Mr. Sanchez speaks. On February 24th, he presented a proposal to the Commission for a Veteran's Advisory Board. Today, he is presenting Veteran candidates to serve on that board. Mr. Nathan Dial presents the candidates. They are:

Gerald Chavez – American Legion Post 22
Bob Ludwig – American Legion Post 74
Andy Anderson – VFW 3360
Rick Lopez – At Large
Jesse Lucero – County Representative

This advisory board will meet, identify Veteran issues and needs throughout the County, and work towards finding solutions. For example, currently the State has 5 new vans that are being used for Veteran transportation; the Board will try to get one of the stops to be Torrance County. The Board will communicate their activities and priorities to the Commission and may, at times, ask for County assistance. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to appoint the 5 candidates listed above to the Veteran

Advisory Committee to the Veterans Advisory Board. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote: all in favor, none opposed. **MOTION CARRIED**

2. IFB 2016-06 STA Chips Bid Award- Leslie Olivas, Purchasing Director Ms. Olivas speaks. On March 31st we published an invitation for bids for STA chips for the Road Department. At the time of closing, we received one bid from Moriarty Concrete Products. Their bid package was complete. Ms. Olivas states that she would like to recommend that the Commission award this bid to Moriarty Concrete Products. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to award the IFB 2016-06 STA Chips Bid to Moriarty Concrete Products as presented. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks about the advertising of this IFB. Ms. Olivas replies that it was published once in the Mountain View Telegraph and it was on the Torrance County website. It was out for 11 days; the minimum is 10 days by statute. Madam Commissioner DuCharme comments that we had an IFB like this before. At that time we only had one bidder which was Moriarty Concrete. She asks if we should advertise for a longer period. Mr. Lujan, Road Foreman, comments that every year we will have to IFB for STA chips because we cannot use the state contract for chips. We always only get one bid for chips because there is only one rock crusher out here in our area. Madam Commissioner DuCharme asks if we need to have a contract with this vendor. Ms. Olivas replies no; we have a purchase order that contractually binds us to pay this vendor for their services and materials before purchasing. No further discussion. The Commissioners vote: all in favor, none opposed. **MOTION CARRIED**

3. NMDHSEM Disaster Assistance Program Grant Agreement- Javier Sanchez, Emergency Management Mr. Sanchez speaks. This is the Sub-Grant Agreement for the disaster assistance program that has to do with winter storm Goliath. The total amount that the County will be reimbursed for is \$70,164.75, which is the 75% share of the grant total which is \$93, 553.00. Ms. Ansley interjects that this is money that was already expended during the storm. At the time of the storm the Commission signed an Emergency Declaration which now enables the State to reimburse our County. We need this grant agreement approved so we can receive this reimbursement. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the NMDHSEM Disaster Assistance Program Grant Agreement as presented by Mr. Sanchez. Chairman Candelaria seconds the motion. Madam Commissioner

DuCharme comments that the coversheet for this item shows a grant amount of 69,094.50 and the actual agreement shows a grant amount of \$70,164.75. She asks about the discrepancy. Mr. Sanchez explains that the coversheet was filled out by the grant committee at a meeting last Thursday; they did not have the final correct amount. There was a 25% match that was already incurred. Madam Commissioner DuCharme asks why we have to apply for a grant for this reimbursement. Mr. Sanchez replies that this is the only way that disaster funds are allocated. The Executive order # 2015-21 is the disaster number issued by the State for this storm. Madam Commissioner DuCharme asks Mr. Sanchez to provide her with a copy of the detailed breakdown of the \$70,164.75 reimbursement amount. No further discussion. The Commissioners vote: all in favor, none opposed. **MOTION CARRIED**

4. Request RPHCA Contract Extension- Cheri Nipp, PMS- Mountainair Family Health Center Ms. Cheri Nipp presented this item believing it was an RFP for the RPHCA contract, which was incorrect. In summary, the County currently holds the contract for the RPHCA, the Rural Primary Health Care Act for the Mountainair Clinic. The RPHCA provides funding that comes for the sliding scale patients at the Mountainair Health Clinic. The County administers the funding on behalf of PMS; it is a pass-through with the County keeping a 10% admin fee. This contract is approximately in its 15th year. Last year, the contract was renewed. This year, the Commission needs to approve the contract extension. The funding for the upcoming year is approximately \$130,000.00. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the RPHCA Contract Extension. Chairman Candelaria seconds the motion. The Commission discussed this item at length. The Commission took a break for Ms. Nipp to clarify the deadline for this approval. When the Commission reconvenes, Ms. Nipp informs the Commission that the contract extension needs to be presented to the State by May 9th. She explains that she incorrectly presented this item as an RFP. She clarifies that this is an extension. The Commission discusses the item further. Madam Commissioner DuCharme asks where, in the documentation being presented, does it state that this is a contract extension. That fact that this is a contract extension is not listed in the documentation that Ms. Nipp is presenting today; Ms. Nipp is presenting information that has been gathered about the clinic and the RPHCA program that will be presented to the State as part of the contract extension. Ms. Annette Ortiz comments that the **Narrative Action Plan for FY 2017** in the packet does show that the Contractor is the Torrance County Commission and the Reporting Site is the Mountainair Family Health Center. Commissioner Frost summarizes that if the Commission

approves this today, the Mountainair Health Clinic can continue to operate and he calls for the question. No further discussion. The Commissioners vote; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

Before Ms. Hamm from the Torrance County Fire Department addresses agenda item #5, she speaks about the tragic car accident that occurred on Saturday. This horrific tragedy took the lives of three family members including that of an 18 month old baby girl. She states that our County has some responders that are really hurting right now and asks that we all keep them in our thoughts.

5. Amendment to Fire Department SOG's- Cheryl Hamm Ms. Hamm speaks. She presents the requested changes to the Fire Department SOGs (Standard Operating Guidelines) as listed below:

Proposed changes to the FF pay SOG's

C. Eligibility:

Current:

2. Participating members must fill out IRS forms W-9 and W-4 which will be provided by TCFD. No payment will be made without these forms correctly and completely filled out and on file.

Requesting Change to:

2. Participating members must fill out an application packet that includes a Member Application, SAMBA, PERA, W-4, and USCIS Form I-9. No payment will be made without These forms correctly and completely filled out and on file.

F. Required Training

Class E License

Current Requirement:

This nominal fee is based on the current fee at the time of licensure as set forth by the NM Motor Vehicle Department for a 4 year license. This nominal fee will only be paid for the initial licensure.

Change to:

This nominal fee is based on the current fee at the time of licensure as set forth by the NM Motor Vehicle Department for a 4 year license. This nominal fee will only be paid for the initial licensure. A Class E license or a current CDL license is required to operate any apparatus. All Volunteers regardless of license status must complete an approved EVOC class.

FEMA NIMS Required Online Course.

Current Requirement: 100, 200, 700.

Change to: 100, 200, 700, 800.

G. Nominal Fee for Per Call Response

2. EMS

Current Requirement:

To receive the nominal fee for an EMS call the responder must be licensed at or above the First Responder level with a current CPR card and a current Class E license. This applies to Responders even if they are not operating the vehicle/apparatus.

Request Change to:

To receive the nominal fee for an EMS call the responder must be licensed at or above the First Responder level with a current CPR card.

All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the amendment to the Fire Department SOGs. Commissioner Frost seconds the motion. Ms. Hamm clarifies that with the change to item **G. Nominal Fee for Per Call Response 2. EMS**, only **the driver** of the emergency vehicle/apparatus is required to have a current Class E or CDL license. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

6. CYFD Home Visiting Services for Early Childhood Services Division, Agreement No. 16-690-19228-1 Amendment No. 1 Ratification- Michelle Castillo, TCPO Director Ms. Ansley presents this item as Ms. Castillo is not available to be here today. This is an amendment for the Home Visiting Program. It was actually due in to Santa Fe last week. Ms. Ansley states that she and Mr. Wallin reviewed and signed the amendment last week and she is requesting that it be ratified today. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to ratify the CYFD Home Visiting Services

for Early Childhood Services Division Agreement No. 16-690-19228-1 Amendment No. 1. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks what the reason is for this reduction. Ms. Ansley replies that it was just a change in the funding that came through from CYFD. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

***Commission Matters:**

7. Proposed GO Bond Projects Mr. Daniel Alsup, with the Modrall, Sperling Law firm, speaks. He and Mr. Eric Harrigan, from RBC Capital markets, were here at a February Commission meeting when there was preliminary discussion about the GO bond election. He and Mr. Harrigan have been working with Ms. Ansley to narrow down the potential projects that would be on a GO bond election ballot. We have approximately 3.8 million dollars total that the County could issue in General Obligation bonds and maintain the current mill levy rate. Right now, before the Commission, there are 4 potential projects. The next step in this process will be for the Commission to determine if it wants all 4 of those projects to be on the ballot, or just 1 or 2, etc. and how much of the 3.8 million dollars should be allocated to each individual project. In terms of timing, in order to have an election on August 16th- the date the Commission has already chosen- the Commission will need to adopt an election resolution by the last regularly scheduled Commission meeting in May-(May 25th). This means that projects should be identified at the first Commission meeting in May- (May 11th). There is discussion about the following proposed projects:

- Communications Equipment Upgrade
- County Fairgrounds Improvements
- Improvements to County Roads
- Improvements to County Buildings (Road Department Yard, Security for County Offices, TCSO Office Improvements)

There is also discussion about how broad or narrow the ballot questions should be and about how to intelligently allocate the dollars to each project. The Commission decides to set up a workshop during the next regular Commission meeting to discuss and finalize the projects for the ballot questions. Mr. Alsup and Mr. Harrigan will plan to be in attendance at this meeting. Mr. Wallin clarifies that the agenda item should be to discuss the GO bond projects, and to take possible action on the GO bond projects. Commissioner Frost states that he would like realistic, knowledgeable, broad estimates for each project. Ms. Ansley will work on this for

the next meeting. All documentation hereto attached. **NO ACTION, DISCUSSION ONLY**

8. Adoption of Revisions to Torrance County Zoning Ordinance Mr.

Guetschow speaks. During the last Commission meeting, there was discussion about some possible changes to sections of the zoning ordinance. The Commission gave direction about the changes. Mr. Guetschow has brought copies of the ordinance with the proposed changes. There is a specific recommended change to the District Standards for the Conservation District, the Agricultural District, the Agricultural Preservation District (AP-40), and the Rural Community Preservation District. In each district listed above, the change to the **District Standards** is the same and is in red below:

- Parcels smaller than the minimum parcel size that existed on 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 may be allowed by Section () regarding collateral for a mortgage. These non-conforming parcels may be reconfigured through legal means of survey so long as the resulting parcel is not smaller than the original parcel.

Mr. Guetschow clarifies that this affects those zone districts where there are 40 acre minimum parcel sizes.

Mr. Wallin suggested the change listed below to the zoning ordinance at the last meeting. In **Sec. 19. Administration. F.** corrections have been made to the headings and subheadings for clarity, as shown below:

Old

Section 19. Administration.

F. Development Review Permit.

1. No accessory structure, building, nor mobile home shall be placed, Constructed, or installed, nor;
2. Shall electric service be connected ...etc.
3. Shall any building or mobile home...etc.

New

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 ...etc.
 - b. Shall any building or mobile homeetc.
 1. Submit a recorded deed ...etc.
 2. Submit a suitable building....etc.

Mr. Guetschow addresses questions Madam Commissioner DuCharme had at the last Commission meeting about the word “**placed**” being added to the ordinance in **Section 19. Administration. F. Development Review Permit 1.b.** Mr. Guetschow presents the Commission with pictures that illustrate the reasoning for adding the word “**placed**” into the requirement for a Development permit. The first two photographs show prefabricated sheds; each with a stovepipe coming out of the roof. The third photograph shows a shipping container with a stove pipe and a ventilation duct showing that it was being used for human habitation. Prefabricated sheds are not built to a residential standard and do not meet residential building codes. Mr. Guetschow reiterates what he said at the last Commission meeting, that in the building regulations from the State, the regulation reads that if a building is 200 square feet or more in size, then it requires a permit. If the structure is under 200 sq. ft., then a building permit is not required, unless the structure is being used for human habitation/residential use.

Commissioner Frost asks about a possible revision to the definition of a building Page 5, **Section 4. Definitions. B. Definitions. 5** currently states:

“Building” means any relatively permanent enclosed structure having a roof. Commissioner Frost recommends that the definition make reference to the 200 sq. ft. or more permit requirement. Mr. Guetschow will make this revision.

Commissioner Frost asks if there is a deadline for approval of this ordinance. Mr. Guetschow replies there is not, however there is an issue coming before the P&Z Board regarding the suggested change for non-conforming lots being able to be moved on their parent tract as long as they are not smaller than their original size. Commissioner Frost suggests tabling this item so Mr. Guetschow can get more public input, specifically from the Land Grants. The Commission concurs. Madam Commissioner DuCharme also wants to go through each change and make sure it

is reasonable. All documentation hereto attached. **ACTION TAKEN**
 Commissioner Frost makes a motion to table the adoption of the Revisions to the
 Torrance County Zoning Ordinance and direct P&Z to seek out more public input,
 specifically from the Land Grants. Madam Commissioner DuCharme seconds the
 motion. The Commissioners vote; all in favor, none opposed. **ITEM TABLED**

10. Establishment of County Road Maintenance Priorities- Hank VanEs, Resident Mr. Van Es speaks. He presents the Commission with a packet of information that is included in the file for this meeting. He states that about 2 months ago he received word that there was a possibility that the road maintenance on some of the roads had gone beyond the legal limit. He made an IPRA request and requested the contract and the time sheet for Cuervo Canyon West Road. The packet includes a Notice to Proceed that is shown below:

NOTICE TO PROCEED

TO: Torrance County Road Department **DATE:** 6/25/15
Name

P.O. Box 48
Address

Estande, New Mexico 87016
City & Zip

FROM: Torrance County Manager

PROJECT NO. SP-5-15(186) **CONTRACT NO.** D14678

CONTROL NO. 1500143 **VENDER NO.** 54405

SCOPE OF WORK: (Including Routes and Termin): Pavement Rehabilitation/Improvements and Blading and Shaping of various County Roads within the control of Public Entity.

County Rds: CR A006 aka Cuervo Canyon E-from Junction Hwy 66 & A006 proceed East 1 mile.

CR A007 aka Cuervo Canyon W-from Junction Hwy 66 & A007 proceed West 1.2 miles.

CR A104 aka Tequilla Ct-from Junction A006 & A140 proceed North .6 mile.

CR B054 aka Fawn Rd-from Intersection B019 & B054 proceed West 1 mile.

Total Project mileage: 3.70

In accordance with the Cooperative Agreement dated August 22nd, 2011 you are hereby notified to commence work on July 1st, 2015 (weather permit(ing)).

STARTING DATE (on or before): July 1st, 2015

COMPLETION DATE (on or before): December 31st, 2015

Joy Ansley
Name (Please Print)

Torrance County Manager
Title
J. Ansley
Signature
10-25-15
Date

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE TO PROCEED is hereby acknowledged.

By:

Jeannet Lopez
Martha Chavez

Date:

10/26/15

Title:

Ed Jarama

Copy: District Technical Support, NMDOT
LGRF Agreement

SP-5-16(186)

Mr. Van Es points out that on the Notice to Proceed Cuervo Canyon West Road is listed as being 1.2 miles. The next page of the packet is a time sheet that shows that road work was done on a Saturday. He states that to the best of his knowledge, it is not really County policy to work on a Saturday. The following page of the packet is also a timesheet. Mr. Van Es points out that on the bottom of this time sheet is the cost of maintaining or improving Cuervo Canyon West road; the cost is listed as \$14,753.00. The next page is a google earth image of the 1.2 miles of Cuervo Canyon Road that was improved. He points out a private property line on the map and states that according to the odometer on his car, the county length of that road is .8 miles, however 1.2 miles was improved, indicating that .4 miles is private property and that private property was, to the best of his knowledge, improved. This would be a violation of the anti-donation law. The next page of the packet is a blown up picture of the private portion of the road. Mr. Van Es notes the cattle guard indicating the end of the public portion of the road. There are several photos of the road, one indicating a private property sign; another showing the identical condition of the road before and after the cattle guard. He states that as far as he can see, there is improvement to the private part of the road. There is also a time sheet for maintenance done to Cuervo Canyon East Road showing a total cost of \$17,633.54. He notes that there are approximately three residences on that road. The packet also includes pictures of Cuervo Canyon East Road. He notes for the Commission that one of the residents on Cuervo Canyon East is John J. Lujan, a member of the Road crew. The last picture is of CR A104 looking north to the property of Frank and Martha Chavez. He states, in summary, that whoever set the priorities for this road did a disservice to the residents of Torrance County because at most there are approximately 6 residences total for both roads equally a little over 2.2 miles. He states that this money could have been put to better use. Improving road B016, for example.

Mr. Van Es further states that he believes strongly that the Road Crew needs additional oversight.

Madam Commissioner DuCharme asks Ms. Ansley if she has any comment on this presentation. Ms. Ansley replies that she can comment on whether any improvements were done to private property and the answer is no; she states that we improved a public road. And the public road is a County road. She states that we improved a little more of the road than was identified in Mr. Van Es's presentation, but we did not improve the entire length of the County road as it is mapped in the County Assessor's office. On the County inventory this road is listed as 1.2 miles, 1.17 miles were improved. There is discussion about whether the road past the cattle guard is public or private.

Mr. Wallin cautions the staff and the Commission about discussing this issue. He states that the nature of this inquiry leads him to suspect that if the Commission and staff wish to discuss this issue, it should be done in Closed Session.

Madam Commissioner DuCharme states that she wants further investigation into this issue. She would like the Sheriff to look into this. She is reminded that the Commission needs to make these kinds of decisions as a whole. Mr. Wallin states that, if Madam Commissioner DuCharme would like, her request for an investigation could be listed as an action item on the next agenda for Commission consideration. Madam Commissioner DuCharme asks Ms. Ortiz to list a request of Commission approval to have the Sheriff's office investigate this road. All documentation hereto attached. **NO ACTION, INFORMATION ONLY**

11. Appoint Replacement to Estancia Basin Water Planning Committee TC Municipal Developer/Utility Position Ms. Ansley speaks. She reads the memo she sent to the Commissioners regarding this appointment:

Last week, Cheri Lujan, Board Secretary, informed me that Torrance County has a vacant position of Municipal Developer / Utility position. She explained that Rhonda King was present at the meeting, and she's willing to serve in this capacity, and the Board is interested in having her appointed. Their recommendation is that the Commission appoint Rhonda King to this position.

The Commission discusses advertising for this position. Commissioner Frost asks for more information about this committee. Chairman Candelaria states that this is the committee that is working on the proposed utility water pipe that will run from Willard to Moriarty. This does not involve any gas lines.

Madam Commissioner DuCharme states that she would like for the Commission to advertise this position and she would like a requirement that the board member reside in Torrance County. Commissioner Frost comments that advertising this position is fine with him, however he does not agree with a requirement that candidates reside in Torrance. He states that Ms. Rhonda King has done more for this County, and is as interested in this County, as much or more than anyone else. He disagrees with excluding her from consideration. There is discussion about this. The Commission decides to advertise for this position and ask candidates to attend the Commission meeting for a brief interview. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to advertise for this committee position and ask candidates to submit a letter of interest and attend a Commission meeting for a brief interview. However, the interview is not mandatory for consideration and candidates are not limited to residents of Torrance County. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme states that it is greatly preferred that candidates attend the meeting in order to be interviewed. The Commission meeting date for these interviews is TBD. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

12. Revised Contract between Torrance County and EVSWA Ms. Ansley speaks. After this contract was approved by the Commission at the last meeting, the attorney for the EVSWA and Mr. Wallin reviewed the contract again and there were a couple of words that they were not comfortable with. The first requested change is on page 2. The change is as listed below:

Old

V. Costs for disposal or recycling of solid waste generated by the waste management system **are not** the responsibility of the County and are not covered by this agreement.

New

V. Costs for disposal or recycling of solid waste generated by the waste management system **are** the responsibility of the County and are not covered by this agreement.

The second requested change is on page 5 and is a typo. The change is as listed below:

Old

IX. ASSIGNMENT: The EVSWA shall not assign **to** transfer any interest...etc.

New

IX. ASSIGNMENT: The EVSWA shall not assign **or** transfer any interest...etc.

All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the revised contract between Torrance County and EVSWA. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme states that it is amazing how one word (not) can cost a lot of money. She is referring to the first requested change:

Costs for disposal or recycling of solid waste generated by the waste management system **are** the responsibility of the County and are not covered by this agreement.

She states that we are approving something and we don't know what those costs will be. She states that she wants to remind her fellow Commissioners that our previous contract already had those costs for disposal. She states that this is not in the best interest of the County. Chairman Candelaria calls for the question. Mr. Wallin clarifies that the County was already responsible for the tipping fees; this change in wording does not change that. This was a mistake that was caught by the EVSWA attorney. This statement in the contract is basically stating that the tipping fees are the responsibility of the County and are not being dealt with in this contract. We are not assuming a responsibility that we do not already have. No further discussion. The Commissioners vote; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

13. Amended & Restated Bill of Sale Regarding Equipment & Rescission of Consignment of Guard Lease El Cabo Wind Ms. Ansley speaks. Mr. Alsup, Bond Counsel for El Cabo Wind, requested that this item be tabled as it is not ready to be presented. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to table this item. Madam Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **ITEM TABLED**

14. **Contract for IT Services in Torrance County** Ms. Ansley speaks. We have been discussing this item for a couple of months. As the Commission knows, changes have been made and we are no longer doing IT in-house. Ms. Ansley has asked the Commission to consider a contract with Ambitions to take over IT for the County permanently and at 100%. Madam Commissioner DuCharme has asked Ms. Ansley to put together a budget of what it would cost to continue to do IT in-house. Ms. Ansley has also submitted proposals from three companies to provide IT services to the County. Ms. Ansley's recommendation is that the County continue to outsource IT; she believes it is more cost effective and safer for the County as a whole. The proposed cost for in-house IT is shown below:



TORRANCE COUNTY
2016-2017 Proposed In-House IT Budget

Requesting Department: Information Technology

Line Item Number	Line Item Description	FY 2016 Budget Request	FY 2017 Budget Request	Increase/Decrease Amount
401-65-2063	PERA Matching	\$ 1,677.00	\$ 10,000.00	\$ 8,323
401-65-2064	FICA Matching	\$ 1,343.00	\$ 8,000.00	\$ 6,657
401-65-2067	Retiree Health Care	\$ 351.00	\$ 2,500.00	\$ 2,149
401-65-2103	Full Time Salaries	\$ 17,556.00	\$ 100,000.00	\$ 82,444
401-65-2104	Overtime	\$ -	\$ 2,500.00	\$ 2,500
401-65-2203	Maintenance Contracts	\$ 72,030.00	\$ 72,030.00	\$ -
401-65-2205	Mileage/Per Diem	\$ -	\$ 1,000.00	\$ 1,000
401-65-2207	Telephone	\$ 735.00	\$ 5,000.00	\$ 4,265
401-65-2218	Equip. Maint/Repair	\$ 8,868.00	\$ 8,000.00	\$ (868)
401-65-2228	Software	\$ 13,382.00	\$ 9,000.00	\$ (4,382)
401-65-2266	Training	\$ -	\$ 2,500.00	\$ 2,500
401-65-2269	Membership Dues	\$ -	\$ 1,000.00	\$ 1,000
401-65-2272	Professional Services	\$ 8,050.00	\$ 2,000.00	\$ (6,050)
401-65-2617	CO/Equipment	\$ -	\$ -	\$ -
				\$ 99,538
	TOTALS	\$ 123,992	\$ 223,530	\$ 99,538

Ms. Ansley presents the proposed contract with Ambitions, along with quotes from Southwest Digital Solutions and Envision IT solutions. Price quotes are as follows:

Total Monthly cost	Ambitions	\$6,480
	Southwest Digital	\$6,226
	Envision IT	\$7,864

Ms. Ansley recommends resolving this as soon as possible. Madam Commissioner DuCharme thanks Ms. Ansley for the presentation and information. She states that she was suggesting two part-time in-house IT workers, not full-time. Ms. Ansley states that she does not believe two part-time IT workers is a feasible option; we need more security in the County.

Madam Commissioner DuCharme asks Mr. Cullin to come to the podium and speak about this issue. Mr. Wallin comments that this is something that the Commission, Mr. Wallin, and Ms. Ansley should discuss in Closed Session. Events have taken place that may not make this advisable at this point in time.

Madam Commissioner DuCharme states that she would like to put this item on the next agenda to be discussed in Closed Session.

Commissioner Frost asks if Ambitions group has been satisfactory. Ms. Ansley replies yes. Commissioner Frost asks if the qualifications of the other two bidding companies have comparable qualifications. Ms. Ansley replies yes, the other two companies are licensed and bonded to do this work.

Ms. Ansley reminds all that Ambitions group has already been helping with the County's IT needs since February and they do have a time and materials agreement with us. Today, Ms. Ansley is asking the Commission to sign a total care contract with Ambitions. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the IT contract with Ambitions. Chairman Candelaria seconds the motion. There is a brief discussion about the cost of finalizing this contract and the changes to the County budget that will be incurred. The contract has no end date, but it does have a termination provision. No further discussion. The Commissioners vote; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

***County Manager Requests/Reports:**

15. Update

Ms. Ansley presents the following update:

Manager's Report
April 27, 2016

1. The EVSWA did hire a new manager to replace Mr. Ellis. His name is Andy Miller and he's going to be a huge asset to the Authority. He's starting in May and will train until Joseph retires the end of June.
2. David Saline resigned his position as a County representative to the solid waste board.....so the Commission will need to find a replacement. Mr. Saline would like to see Joseph Ellis as the County's representative on the Board, but I'm not even sure whether he's interested or not. Does the Commission have an idea about how to proceed with the replacement? (*The Commission directs Ms. Ansley to advertise for this position.*)
3. It's my understanding that the RFP committee met last weekend, but no County staff was notified. When the discussion first took place, the Commission indicated that they would like to have County staff present. We need to discuss, so that Chair DuCharme has direction about who needs to be invited to the meetings.
4. Commissioner DuCharme had a question about the process for assigning work to NM Apparatus. According to the Fire Chief, if a District Chief needs work done on an apparatus, they submit a maintenance request to Fire Admin. Then a PO is issued and the work is done on the apparatus. When the work is finished, the District Chief certifies that it's completed and they pick up the apparatus.

Madam Commissioner DuCharme states that at the last Commission meeting, several important decisions were made. She states that after the meeting she received several inquiries from County residents that the video recording of the meeting was posted on the TC website, but the audio cannot be heard. Ms. Ansley replies that we had a piece of equipment go down. The Commission and Ms. Jones (myself) have been having some concerns because the microphones have been popping and there has been some static and noise. We looked into it and ITC, a professional company in Albuquerque told us we needed a new amplifier. We bought a new amplifier and installed it and we had the microphone issue fixed. There is another receiver that has been down in the cabinet; it's the receiver that processes the audio with the video. We didn't know that there was a problem with it until it didn't work during the last meeting. That piece of equipment has been ordered and it will be installed probably Thursday. Madam Commissioner DuCharme asks Ms. Jones (myself) if a separate recording of the meeting was made. Ms. Jones comes to the podium and reiterate what Ms. Ansley stated about the equipment. Ms. Jones thanks the Commission for the opportunity to clarify what happened with the equipment in order to avoid the insinuation that perhaps something was done on purpose to delete the audio from the video. Ms. Jones informs all that audio of the meeting was captured on discs, which can be

purchased from the Clerk's office. The audio of the meeting can also be heard on our local radio station, and written minutes of the meeting are also available on the website and for purchase from the Clerk's office. Ms. Ansley and Ms. Jones will contact Lobonet to see if the audio from the discs can be synced with the video for the website.

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.

Johnny Romero, resident, speaks. He comments on the Saturday meeting of the RFP committee. He states that the reason Saturday was chosen was because everyone was conflicted about the days. He states that they had to pick a day or they were not going to have a meeting, so they picked Saturday.

He now speaks about agenda item #11. **Appoint Replacement to Estancia Basin Water Planning Committee TC Municipal Developer/Utility Position.**

Commissioner Frost was told that this committee has nothing to do with the Gas Company, but Mr. Romero states that he believes that it does; that it is through them that this committee is being run. He comments that it caught his attention because no one had been notified of this position except Ms. King. He states that the Land Grants have receive little if any information about this Water Planning Committee or their plans to create the water line. Mr. Romero states that if we inform people, they feel like they are part of the group, and there won't be any protest. Mr. Romero states that he agrees that Ms. King is a great person, but we have so much representation from the north end of the County and very little from here. He strongly suggests appointing someone from one of the Land Grants to this committee.

Gloria Zamora, resident, speaks. She has an information packet for Mr. Guetschow with Land Grant ordinances, important phone numbers, emails, etc. to help facilitate a meeting with him to discuss County Zoning Ordinance revisions. She comments about the pictures Mr. Guetschow presented of the shed with the stovepipe. She states that it could be being used as a work station and not as a place for human habitation. She also comments about pg. 33 Section 14.1 of the proposed zoning ordinance. She states that it reads **SECTION 14.1 RURAL COMMUNITY PRESERVATION DISTRICT (RCP)** and it should read **SECTION 14.1 LAND GRANT PLANNING DISTRICT**. She states that this

amendment was already made and the document needs to be corrected. She will meet with Mr. Guetschow to discuss this.

Michael Godey, resident, speaks. He reiterates Mr. Romero's comment about representation on the Water board coming from the Land Grants. He states that he also looked at the road that Mr. Van Es spoke about earlier. He comments that the private property sign is placed in such a way that it looks like a drive way; a drive way that is being County maintained. He states that he thinks that, in general, the County needs to prioritize the roads and remember that when the roads were adopted many may years ago, a lot of the concerns we have today were not considered.

Hank VanEs, resident, speaks. He states that at the last Commission meeting, he brought up the fact that, from his reading of the statutes, the Commission did not have authority over private property and, as such, did not have authority to give P&Z authority over private property. At that time, Mr. Wallin responded indicating that it was settled law. He states that his understanding of settled law is when a number of judges rule on similar cases in a similar manner. The problem with that is that it is not law, it is opinions. Similar opinions don't go to the Legislature to get voted on and they don't go to the Governor to be signed. Opinions can be changed. Until the Commission receives authority from the State Legislature to oversee private property, from his perspective, they have no authority over private property.

Charlene Guffey, resident, speaks. She reads a portion of the following article:

County's general fund took hit for garbage start-up

Page 1 of 1

County's general fund took hit for garbage start-up

Dianne L. Stallings, Redondo News 2:15 p.m. MDT April 21, 2016

Now that Lincoln County's garbage collection operation is set-up, it is time to decide how to reimburse the county's general fund for the money spent in the process



(Photo: Dianne Stallings/Redondo News)

Lincoln County's general fund should be reimbursed for money spent to transfer garbage collection service for customers in unincorporated areas from Greentree Solid Waste Authority to the county and its new contractor, Sierra Contracting.

"We approved over \$600,000 out of the general fund to get this whole thing started, plus \$138,368 in legal fees," Commissioner Tom Stewart said during a commission meeting Tuesday. "So I would note for the record, we've spent \$772,429 out of the general fund. I notice that quarterly, there is \$322,439 in fees coming in. If you look at the general ledger costs and take out the \$50,906 for the GSWA assistance at the beginning and end of the (initial) year, it looks like we have sufficient funds to generally operate quarter by quarter.

"While I'm not immediately talking about a rate increase, I think we need to consider a way to reimburse the general fund for the expenses taken out for this process."

The general fund pays for the operation of many non-revenue producing county departments and services, as well as helping with other departments and projects.

Stewart said when commissioners begin reviewing the budget in May for the new 2016-2017 fiscal year July 1, they can determine the financial stability of the garbage collection service.

"My suggestion would be to look every quarter or every year at what remains and gradually reimburse the general fund, because it is a hit to the general fund of over three quarters of a million dollars," Stewart said.

Commissioner Dallas Draper said he also would like to set up an equipment replacement and repair fund from fees collected.

"Definitely, something reasonable each year," Stewart agreed.

Pointing to a compilation of exemptions of people not paying the county for service, Commissioner Lynn Willard said if all 836 were on board or at least those using the service but not paying anyone, a rate increase could be delayed or avoided.

"Those that are not paying and are not exempt are not doing their fair share," he said.

Willard asked garbage collection billing clerk Linda Phillips if there was any way to ensure that people who received an exemption for having 300 contiguous acres of land really are burying their garbage there and are not using county dumpsters.

Phillips said not without going out and checking each of the 180, which isn't feasible.

On the form they must fill out to request an exemption, she asked them to identify a specific burial spot, she said.

Ms. Guffey states that Lincoln County figures that by the end of the year they will be close to \$1 million dollars into this system to start up. For this amount, Lincoln County has only 1/3 of the service that Torrance County receives from the EVSWA for \$800,000.00 per year. Lincoln County has unmanned dumpsters and door to door service throughout their county. This has created uncontrollable illegal dumping, blowing trash, etc. The Torrance County Wind PILT fund will be hit hard for the starting over of 1/3 of the service vs what the residents have now. She states that continuing with this RFP that is word for word from Lincoln County's RFP would be a financial disaster.

Michelle Jones, resident, (myself) speaks. At the last Commission meeting there was discussion about the RESPECT program. She wants to share her personal experience with this program. Her daughter, Robin Jones, was a 2010 graduate of Estancia High School and went through the program. It was very informative and useful to her as she went through her college career. The RESPECT program helps to prepare High School graduates from small rural communities for the challenges they will face as they head into their next stage of life; either the workforce or college. Ms. Jones knows personally how important and helpful this program was for her daughter. Her daughter Robin was also the first recipient of the RESPECT Program Scholarship.

Ms. Jones also talks about the Ambitions group. As a County employee, she has had to use their services for work on her computer. They were quick and efficient. She states that, for her, having outside IT assistance is different but it works.

Edwina Hewett, resident, speaks. She thanks the Commission for the inclusion of Land Grants in the meetings. It has been long overdue. She would like our County officials to take the extra step to find out who is in charge of our different Land Grants. She states that she also agrees with Mr. Romero's earlier statements about getting the Land Grants more informed and involved. They have been the keepers of the land and the keepers of the water before this area was even a state.

Daniel Antonio Herrera, resident, speaks. He states that Lincoln County was not named after President Lincoln, it was named after then Congressman Lincoln, the only Congressman who spoke up against President Polk in regards to the impending war against the sister republic of Mexico. He said it was an unjust war of aggression and land acquisition.

He also speaks about the various communication towers, wind turbines, etc. located in the land grants. Can these various towers in some way become revenue streams for the land grants?

Annette Ortiz, Deputy County Manager, speaks. She states that today is Administrative Professionals Day! She takes this opportunity to thank everyone that works for the County because in one way or another we are all administrative professionals trying to make the County work.

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: Cullin vs. Torrance County**

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

Executive session starts at 1:34 pm.

***Reconvene from Executive Session:**

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

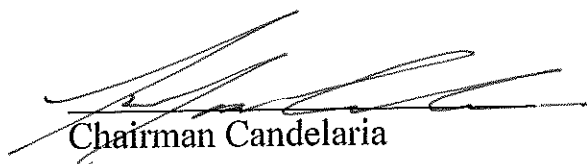
- c) Consider and Act upon Personnel Matters Regarding the February 8, 2016 Grievance Hearing, if necessary**
- d) Report on Pending or Threatened Litigation: Cullin vs. Torrance County, if necessary**


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 the Pending or Threatened Litigation: Cullin vs. Torrance County and no action was taken.

***Adjourn**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the April 27, 2016 Commission Meeting. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 2:01 pm.


Chairman Candelaria


Michelle Jones, Clerical

5/14/16
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.