

Final Copy
Torrance County Board of Commissioners
Commission Meeting
June 29, 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 June 29, 2016 meeting to order at 9:00 am. He welcomes all those present to the meeting and leads us in the pledge. Ms. Linda Smith, Director of the Bethel Community Storehouse and a “community treasure”, gives the invocation.

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the June 8, 2016 Regular Meeting Minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the minutes for the June 8, 2016 Regular Commission Meeting. Commissioner Frost seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Minutes:

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

There are no indigent claims today.

Action Items

Items to Be Considered and Acted Upon

Department Requests/Reports:

1. Updates

Jesse Lucero, Deputy Assessor, speaks. Concerning the Dog Head fire, last week Chief Appraiser Nick Sedillo and the Appraiser staff went out and looked at the fire. They have done some assessments but are not ready to release any numbers yet as some information is still unclear.

Mr. Lucero reminds the Commission that the property value protest hearings will begin in September. The Assessor's Office is still looking for Protest Board Alternates. Anyone interested in becoming a Protest Board Alternate is encouraged to contact the County Assessor's Office at 505-544-4300.

Tracey Master, DWI Prevention Program Coordinator, speaks. She informs the Commission that Torrance County has been approved for the FY17 funding for the Juvenile Adjudication Fund for the same amount as FY16- \$5,263.00. She

heard from the Sheriff's department yesterday that, through one of the DWI prevention efforts, they reached about 800 people during the Duran Fiestas about two weekends ago.

Steve Guetschow, Planning and Zoning Director, speaks. He has been in contact with Mr. Nick Sedillo and his Assessor's team as they have been working on the area affected by the fire. They are compiling a list of land owners that have been affected and are going to be waiving any permit fees for land development for those land owners that want to rebuild their homes.

Javier Sanchez, Emergency Manager, reviews the following written update with the Commission:

Torrance County Commission Update
From Torrance County Emergency Management
June 29, 2016

Current Ongoing Grants/Projects:

1. **FY13 Disaster Recovery Grant:** Project 54 is completed. Two additional projects are pending. The grant is valued at \$169,855.22.
2. **FY14 State Homeland Security Grant:** This grant is recently completed. Request for reimbursement has been submitted. The grant is valued at \$60,904.71.
3. **Hazard Mitigation Planning Grant:** Review by NM DHSEM completed and recommendations are being incorporated by the contractor.
4. **Torrance County EOC Exercise:** An exercise is being planned for late summer 2016.
5. **Torrance County Local Emergency Planning Committee:** Next quarterly meeting will take place in July 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. Although already submitted, the application deadline is April 1st.
6. **WIPP Grant:** Annual project is planned for this project and funds are expected to be expended by the end of July 2016.
7. **2016 CRI Program:** As per MOU, Torrance County has been fully reimbursed for its participation in this year's training and exercise program.
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. **Community Wildfire Protection Plan:** Public meetings and final review pending.
10. **Disaster Recovery Winter Storm "Goliath":** PO has been issued by the State (for \$75,000.00) and reimbursement for this disaster is pending to be received any day.
11. **Hazard Mitigation Grant Program:** Applications for two mitigation projects have been submitted by Torrance County OEM in conjunction with FEMA representatives. Application is under review by NM DHSEM.
12. **FY16 State Homeland Security Grant Program:** An application has been submitted to NM DHSSEM and is under review.
13. **Dog Head Wildfire:** 24-hour Torrance County EOC activation from June 14th – June 24th. Coordination of shelter operations, information center, and other auxiliary functions including resource requests, mass care, livestock watering task force, PIO coordination, evacuation operations support, etc. After-Action Meeting and Report will be forthcoming. As a disaster was officially declared, compilation of costs for submission to NM DHSEM for reimbursement will take place within six weeks of disaster end date.

Commissioner Frost comments that in the three weeks since our last Commission meeting a lot has happened, first and foremost- the fire. He states that he is so thankful to the people that came out and worked so hard and saved a lot of property and people's homes, although he knows this does not make it any easier for those that did suffer great losses.

Commissioner Frost also states that he attended the NM Association of Counties conference last week and the best part of the conference for him was sitting outside of the conference hall on the last night and having a general discussion with some of the Commissioners and elected officials from other counties. Sometimes more is accomplished by hearing other people's issues and answers than at a formal meeting.

Madam Commissioner DuCharme states that she wants to talk about the fire; she thinks this fire showed us what our first responders have to face on a regular basis. She thinks we will appreciate them even more because of that. Those first responders are the Sheriff's Office, the Fire Department which is almost entirely volunteer, the Emergency Medical Technicians, and our CERT Program volunteers. Madam Commissioner DuCharme states that these people worked around the clock for several days and she doesn't know what we would do without them. She also wants to mention our wonderful residents that showed kindness and care; they also volunteered their services- they brought food and supplies day and night. We really saw the community spirit during those days. She states that she is really grateful and thankful to live in this community and her heart goes out to the

families that lost their homes because of this fire. She is sure that the County employees will be of help to those that were affected by this fire.

Madam Commissioner DuCharme now asks Ms. Linda Smith from the Bethel Community Storehouse to give a brief update about what the Bethel is doing to help our citizens who were affected by the fire.

Ms. Smith speaks. She states that at the onset of the fire, they were busy with evacuees coming in. They helped people with motel rooms, gasoline, hygiene products, and pet food. She states that once residents were allowed to go back home, they really started to get the onslaught of folks needing help. Thankfully, Ms. Annette Ortiz, Deputy County Manager, came up with an affidavit for impacted residents to sign so that all of the agencies working together would know for sure that those people truly were involved with the fire. The Bethel is now helping those impacted families with food, clothing, furniture and household items, and gas vouchers. They have set up a fund at US Bank under the name Dog Head Fire Fund and people have been donating. Ms. Smith states that she was able to get an emergency grant from the United Way of Central New Mexico. The proceeds from the Dog Head Fire Fund and the emergency grant are going to be gathered together and dispersed to those families who lost their primary residence and who are most in need. She also talks about all the donations they have received. For example, Davis Hardware in Cedar Crest donated a whole truckload of pet food.

Ms. Smith is **sincerely** thanked for all her hard work and help during this very difficult time.

Chairman Candelaria also wants to thank everyone who was involved in helping during this fire, from our Governor on down; she declared an emergency very quickly which allowed her to send about a hundred National Guardsmen to the area to patrol and protect the evacuated homes. He also thanks the teams from the Forest Service who were brought in to help. Chairman Candelaria talks about the exceptional cooperation between the different counties and jurisdictions. Representatives from Bernalillo County attended our meetings and we attended theirs. He states that it is hard to thank everyone who helped. He thanks all the people who came and helped with the animals that had been evacuated and brought to the Fair Grounds. People from the Baptist organization were there to provide food and counseling. Chairman Candelaria states that one of the saddest meetings he has ever attend was the one organized by our Deputy County Manager, Ms. Annette Ortiz, which was held solely for the families that had lost their homes. He

comments that at the meeting, attendees prayed together and cried together. He states that it was humbling to see the residents who had lost their homes; they were overwhelmed with grief, and yet they were looking forward to continuing life. They showed us that they believed in life itself; they were going to continue and nothing was going to stop them. Ms. Annette Ortiz, Deputy County Manager, was one of the evacuees and spent days away from her home. Ms. Joy Ansley, County Manager, had to sleep in a County vehicle out there on Highways 55 and 337. Through it all, things came together just when they needed to and it was overwhelming to see how our personnel and our citizens were willing to give of themselves to help.

2. Contract with PDS for maintenance on Micro Fiche scanners, printer and document scanner- Linda Jaramillo, County Clerk Linda Kayser, Deputy Clerk, speaks. This is an annual contract; PDS services all the Clerk's micro fiche scanners along with a printer and document scanner. These micro fiche scanners are very old and no one but PDS services them. Ms. Kayser has presented the Commission with emails from three other software companies that states that they do not service these machines. Under this contract, PDS will come out and clean the machines twice a year, along with furnishing any parts or repairs that may be needed. The contract has been reviewed and approved by our County Attorney. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the Contract with PDS for maintenance on Micro Fiche scanners, printer and document scanner. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote: all in favor, none opposed. **MOTION CARRIED**

3. Ratification of Domestic Violence Contract for FY2017- Michelle Castillo, TCPO Director Ms. Castillo speaks. She is here today to ask the Commission for ratification of the Domestic Violence Contract for FY2017. The contract agreement is between the State of New Mexico, Children, Youth, and Families Department and Torrance County and is in the amount of \$20,000.00. The contract was received on June 19th and had to be returned to the State by June 22nd. Because of the short time frame, Ms. Castillo asked the County Manager and the County Attorney to sign the contract and is presenting it today for ratification. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to ratify of the Domestic Violence Contract for FY2017. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks if this contract will be funded by a grant. Ms. Castillo replies that it is more or less a

grant; it is not an RFP and there is no match. Madam Commissioner DuCharme asks about the Permanent Position FT/PT listed on the contract. Ms. Castillo clarifies that this will be the pay for the part time person who will be running the program. Madam Commissioner DuCharme asks if any money will be required from the County for this position. Ms. Castillo replies no, not for this position. She came before the Commission at the June 8th meeting and asked for additional funds to help keep the program up and running as is; today's contract is for funds that the State has allocated for Torrance County because we did not get the RFP. No further discussion. The Commissioners vote; all in favor, none opposed.
MOTION CARRIED

4. Request Payment of Numerous Invoices without Purchase Orders- Don Dirks, TCFD Chief Dirks speaks. He is here today to request payment for some miscellaneous old 2014 invoices from Honstein Oil. These old invoices were just brought to his attention in June of this year. Honstein contacted the Fire Department to ask for payment. The three invoices total \$203.63. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve payment of three invoices without purchase orders for the Fire Department totaling \$203.63. Commissioner Frost seconds the motion. Chief Dirks assures the Commission that they have procedures in place to avoid having this error occur again. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

5. Contract with USDA Wildlife Services for Predator Control Mr. John Grant speaks. He is the District Supervisor for USDA Wildlife Services. With him today is Mr. Justin Hendricks, Predator Control Specialist assigned to Torrance County. They are here today requesting approval of the contract between Torrance County and the USDA Wildlife Services for Predator Control for FY17. The total amount of the contract is \$30,500.00. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Contract with USDA Wildlife Services for Predator Control. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

6. Resolution 2016-25 Budget Adjustment - Amanda Tenorio, Finance Director Ms. Tenorio speaks. She is requesting no action be taken on this item. No

budget adjustments are needed at this time. All documentation hereto attached. **NO ACTION TAKEN**

7. Resolution 2016-26 – Line Item Transfers- Amanda Tenorio, Finance Director Ms. Tenorio speaks. She is requesting approval of Resolution 2016-26 Line Item Transfers. These transfers are all within the requesting departments budgeted funds. All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to approve Resolution 2016-26 Line Item Transfers. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

8. Resolution 2016-27 – Budget Increase- Amanda Tenorio, Finance Director Ms. Tenorio speaks. She is requesting Commission approval of Resolution 2016-27 Budget Increase. These increases are included on schedule A which she has presented to the Commission. The total amount of the requested budget increase is \$192,229.75. This includes increases for the Sheriff's Department, US Marshall funding, the Debt Service fund for the District 6 loan, and Civil Defense for the Goliath Winter Storm. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2016-27 Budget Increase. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

9. Contract with Estancia Valley Economic Development Association for Economic Development Services- Myra Pancrazio, Director Ms. Pancrazio speaks. She gives the Commission a copy of the EVEDA 2015 Annual Report, which is included in the file for this meeting. On behalf of EVEDA, Ms. Pancrazio thanks all the first responders and everyone in the County who assisted with the recent fire. She states that EVEDA participated in a meeting with Senator Udall and Congresswoman Michelle Lujan-Grisham and Fire Chief Tidwell from Washington and that EVEDA's concern was making sure that anyone that has been displaced as far as a business, or a business depending on forest products, be given consideration for subcontracting in any of the clean-up or anything else that needs to be done out there. She states that they are also working with the Department of Workforce Solutions to make sure that any worker that has been displaced due to the fire can get employed right away. Also, one of the investors that they are working with from Phoenix indicated that they would be submitting to the Federal

Government for some emergency assistance to possibly help rebuild some homes that were lost.

She introduces some EVEDA officers who are in the audience today: Vice- Chair David Tixier, Treasurer Bill Williams, Executive Officer Matthew Collins, and Secretary Steve Jones. Mark Stacey with Iberdrola, an EVEDA client, is also in attendance today. Ms. Pancrazio presents the following overview of activity for 2015-2016. She gives a brief explanation of each item:

2015-2016 Projects

- Aviation R&D and manufacturing
- Battery application for utility scale project
- Pipe fabrication and assembly
- RV park to assist Cyclone center
- Relocation of existing aviation manufacture
- Assist on multi-family housing project
- Warehouse needs from Partnership
- Service center expansion project
- Retail lodge
- Retail assistance on Rt. 66
- Retail franchise assistance
- Assist with major commercial/housing development
- Continue to assist with El Cabo Wind project
- Intermodal project

Statewide Activity

- Member- NM Rural Economic Development Council
- Member- NM Industrial Development Association
- Member- Congresswoman Lujan-Grisham Business Advisory Board
- Member – National Lt. Governors Aerospace States Association, NM Chapter
- AED Board of Directors

Organization Activity

- Design and Implement new website www.evedanm.com
- Design and Implement new EVEDA logo
- Investor Breakfast (45 Federal, State and local officials and Investors attended)

- Positive c-3 & c-6 status, current in state certification & Professional services agreements with local government entities.
- Estancia Valley Business Expo/Workshop with the MTV Telegraph in April 2016

Ms. Pancrazio also states that they have two emergency retention projects: the grocery stores in Mountainair and in Estancia.

Ms. Pancrazio states that EVEDA recently attended the Federation Aeronautique Internationale. Albuquerque has applied to be the city to host the next Federation Aeronautique Internationale World Air Games. If Albuquerque is chosen, it will be the first city in North America to host the event, which was held last year in Dubai and drew 950 competitors from around the world. The next World Air Games will be held in either 2019 or 2020. The FAI World Air Games is the premier international, multidiscipline air sports event in the world; it's like the Olympics of aviation. Hosting would equal about a \$117 million dollars of economic impact. Ms. Pancrazio also explains the LEDA Act. The Local Economic Development Act (LEDA) allows communities the option of offering local government aid to qualifying business entities for economic development projects.

Mr. David Tixier, EVEDA Vice-Chair, speaks. He thanks the Commission for their time. He explains that EVEDA works off of funding, and it is about a 50/50 mix of government entities and private organizations/private people that fund EVEDA. He states that economic development works for everybody and one of the ways economic development works is through longevity; nothing happens overnight. Some projects may take years to come to fruition. He states that EVEDA needs longevity and support. He now asks the County to commit to a three year contract with EVEDA instead of one year.

Chairman Candelaria comments that having a year to year contract with EVEDA can hamper their ability to do work; not knowing from year to year what will happen. He thinks a three year contract will be beneficial. Mr. Wallin points out that a three year contract would still have a 60 day termination provision and that the term complies with the Bateman Act. All documentation hereto attached.

ACTION TAKEN: Commissioner Frost makes a motion to approve a three year contract with the Estancia Valley Economic Development Association for Economic Development Services in the amount of \$25,000.00 per year. Chairman Candelaria seconds the motion. Ms. Ansley comments that \$25,000.00 for three years takes us about the \$60,000.00 procurement threshold for professional services. Mr. Wallin explains that the procurement threshold is \$60,000.00 per

year; this contract would be \$25, 000.00 per year and would be in compliance. Madam Commissioner DuCharme asks Mr. Wallin if Commissioner Frost should recuse himself from voting on this item because he is an EVEDA Board member. Mr. Wallin explains that the decision about whether or not a Commissioner should recuse himself from an agenda item depends on whether he can act impartially and set aside any perception of conflict. It's a personal decision and if Commissioner Frost thinks that he can act in the best interest of the County and not be influenced by his Board position on EVEDA, then he is not required to recuse himself. Commissioner Frost states that he believes that a conflict of interest is when someone may benefit themselves personally with a vote. He states that with a vote like this he will benefit personally as much as every other person in the County. He states that we all gain from what EVEDA does for us. The Wind PILT is an example, and so he will not recuse himself. Madam Commissioner DuCharme asks Ms. Pancrazio if EVEDA has three year contracts with any other entities. Ms. Pancrazio answers that they do not; they will be looking to get three year contracts with Moriarty and Edgewood in the future. Ms. Pancrazio states that when EVEDA began they had five year contracts. Madam Commissioner DuCharme asks why they don't have five year contracts anymore. Ms. Pancrazio explains that in the beginning of EVEDA, the communities carried the organization until they could get more private investors; once they had more private investors on board, they changed the contracts to two years. Today, the Legislature and the New Mexico Jobs Council is pushing EVEDA to get more than a one year contract with their larger government entities. Commissioner Frost comments that \$25,000.00 a year is a drop in the bucket compared to the hundreds of thousands of dollars that EVEDA has helped to bring to the County and to our schools. Madam Commissioner DuCharme comments that last year she voted no to \$25,000.00 a year; she would have voted yes to \$20,000.00. She states that this year she would have voted yes to a \$25,000.00 one year contract, but she cannot support a three year contract. She further states that most of our County contracts are one year contracts and that Ms. Pancrazio indicated earlier in the meeting that they EVEDA has the same situation with their other entities. She states that she understands the importance of economic development and she can commit for one year, but she is not ready to commit for three years. No further discussion. The Commissioners vote; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

10. Ratification of Out of State Travel and Actual Reimbursement for Sheriff- Heath White, Sheriff Ms. Ansley speaks. At the end of last week, the Sheriff received notification that he was supposed to be at a conference in Minneapolis. The County Manager's office cut him a per diem check so he could have the funds to get there. The Sheriff's Association paid for his plane ticket. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to ratify the approval for out of state travel and per diem for Sheriff Heath White. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

11. Professional Services Agreement with Sid Ware for TCJJB Service Coordinator- Jenea Ortiz, Continuum Coordinator Ms. Ortiz speaks. This is a Professional Services Agreement with Sidney Ware for TCJJB Service Coordinator. The only major change in this agreement was a decrease of \$25,073.00. This decrease was due to the State's decrease in oil and gas revenue. The total budget for this agreement is \$41,200.00. Mr. Wallin comments that he has reviewed this agreement. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the Professional Services Agreement with Sid Ware for TCJJB Service Coordinator. Commissioner Frost seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

12. Professional Services Agreement with Boy Scouts of America for ScOutreach Services- Jenea Ortiz, Continuum Coordinator Ms. Ortiz speaks. This is a Professional Services Agreement with Boy Scouts of America for ScOutreach Services. The only major change was a decrease of \$15,185.00. This decrease is due to the State's decrease in oil and gas revenue. The total budget for this agreement is \$17, 208.00. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the Professional Services Agreement with Boy Scouts of America for ScOutreach Services. Commissioner Frost seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

13. Professional Services Agreement with Jenea Ortiz for Board Coordinator Services – Jenea Ortiz, Continuum Coordinator Ms. Ortiz speaks. This is a Professional Services Agreement with Jenea Ortiz for TCJJB Continuum Coordinator Services. There are no major changes to this contract. The total budget for this agreement is \$32,984.00. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Professional Services Agreement with Jenea Ortiz for Board Coordinator Services. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

***Commission Matters:**

14. Ratification of Resolution 2016-24- Emergency Declaration Due to Dog Head Fire Ms. Ansley speaks. The Commission signed this resolution declaring a state of emergency in response to the Dog Head Fire. The resolution now needs to be ratified. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to Ratify Resolution 2016-24 Emergency Declaration due to the Dog Head Fire. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks Mr. Wallin if the Commission should have called an Emergency Meeting to sign this resolution. Mr. Wallin replies that the Commission could have called an emergency meeting, but there is a provision in the state statutes for emergency situations that allows for approval by ratification. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

15. Amendment to El Cabo Wind, LLC Documents

- a. **Resolution 2016-28**
- b. **Amended and Restated Bill of Sale**
- c. **First Amendment to Indenture and Lease Agreement**
- d. **Acknowledgment**

Ms. Ruth Schifani from the Modrall Sperling Agency speaks. She is the attorney for El Cabo Wind. She states that there was a legal ‘hick-up’ that needs to be corrected. The project is going fine, but this needs to be fixed. The ‘hick-up’ is related to a title issue that required a restructuring of the transaction. In the prior documents, there was an **assignment** to the County of the project property and then there was a lease and a sub-lease for a portion of the property which was State land. When the company went to get the title insurance, because there had been an **assignment**, they did not have what is called an ‘**insurable interest**’. In order to

get their title insurance, they asked that the restructuring be done. Today, the Commission has been presented with a number of documents, the effect of which will change the way the County holds title to the property; instead of being **assigned** a lease, the property has been sub-leased to the County. Ms. Schifani states that this is, in fact, a slightly better way for the County to hold the property; the sub-lease gives the County rights under the ground leases that make up the property, but none of the obligations. The balance of this remains the same; the County is sub-leasing all of the property back to the project company to build the project. Ms. Schifani also informs the Commission that there was one piece of property that was inadvertently omitted from the original legal description which is being corrected today. Mr. Wallin informs the Commission that he and Ms. Bonnie Paisley, Bond Counsel, have reviewed the documents being presented today and they concur with Ms. Schifani's representation that certainly the County's position is no less than it was before, and in fact from a legal standpoint, the County may be at a greater position than before with regard to the leases. Mr. Wallin also concurs with Ms. Schifani's representation of the omission of one portion of property in the legal description. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the amendment to the El Cabo Wind, LLC Documents as presented above, including Resolution 2016-28, amended and restated bill of sale, sub-lease agreement, first amendment to Indenture and lease agreement, and acknowledgment. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

At this time, the Commission takes a short break to sign and execute the El Cabo Wind, LLC documents.

16. Report on Citizen Complaint of Gates on County Roads Ms. Ansley speaks. She states that at the last Commission meeting, a citizen spoke and wanted the County to conduct an investigation of some County roads that had locked gates on them. Pictures of the roads were presented to the Commission at that time. Mr. Wallin stated that County staff, (Ms. Ansley and Road Forman Mr. Lujan), needed to make the first report to the Commission on these gates. Ms. Ansley states that she and Mr. Lujan have not had time to do this and she requests that this item be tabled. **ACTION TAKEN:** Commissioner Frost makes a motion to table agenda item #16. **Report on Citizen Complaint of Gates on County Roads.** Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **ITEM TABLED**

17. Addition of Two Alternates to P&Z Board Ms. Ansley speaks. At the last Commission meeting, the Commission decided to add two additional alternates to the Planning & Zoning Board in order to better insure a quorum for their meetings. Mr. Guetschow speaks and informs the Commission that he placed an ad in our local paper, the Telegraph, for these positions. The ad will run for three weeks. Interested parties are asked to submit a letter of interest and attend the July 13th Commission meeting for a brief interview. So far, he has not received any letters of interest. All documentation hereto attached. **NO ACTION, INFORMATION ONLY**

18. Open Letter to the Community Regarding 2016 Fireworks Season Ms. Ansley speaks. She reads the following letter into the record.

County Commission

James "Jim" Frost
Commissioner
District 1

Julia DuCharme
Commissioner
District 2

LeRoy Candelaria
Commissioner
District 3



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www.torrancecountynm.org

County Manager
Joy Ansley

Deputy County Manager
Annette Ortiz

County Attorney
Dennis Wallin

June 29, 2016

An Open Letter to the Torrance County Community about the 2016 Fireworks Season

Dear Torrance County Residents:

On behalf of the Torrance County Commission, we are urging the County residents to exercise extreme caution this fireworks season. The Dog Head Fire is a reminder of how quickly a fire can spread and how devastating the damage can be to a community.

Under New Mexico law, if drought conditions are exceptional or extreme, the County can restrict firework sales and use by holding a hearing and issuing a proclamation (copies of the state laws affecting fireworks are available at: <http://nmprc.state.nm.us/state-firemarshal/code-enforcement/>). However, by state law, any restrictions must be enacted at least 20 days before a fireworks holiday. For the 4th of July holiday, restrictions would have had to be put in place by June 14, 2016.

Every year, the County monitors drought conditions to determine whether a fireworks restriction is appropriate. This year, the drought conditions did not reach exceptional or extreme before the June 14 deadline. To date, the drought conditions for the County have not reached exceptional or extreme. The Dog Head Fire did not start until June 14. This was too late for the County to consider fireworks restrictions. By law, the County cannot restrict fireworks, so we're asking our residents to use extreme caution and:

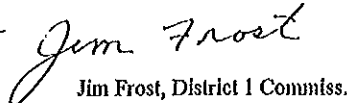
- Consider not using fireworks at all;
- Consider attending the municipal fireworks display rather than igniting personal fireworks;
- Use only lawful fireworks (Chinese lanterns are not permitted);
- Mow and trim vegetation on any of your properties to reduce fuel;
- If you must ignite fireworks, please ensure:

- o The area is free from flammable material, including dry brush;
- o You have an ample supply of water nearby;
- o A responsible adult is always present while fireworks are ignited, and
- o All fireworks are completely extinguished.

Together we can help keep our community safe. Please be extremely careful; we want to minimize any risk of other catastrophic fires.

Respectfully,


LeRoy Candelaria, Chair


Jim Frost, District 1 Commiss.


Julia DuCharme, Dist. 2 Commiss.

The Commission thanks Ms. Ansley for drafting this letter. The Commission supports and signs the letter as shown above.

***County Manager Requests/Reports:**

19. Update

Ms. Ansley presents the following written update:

**Manager's Report
June 29, 2016**

1. Today at 1:30 pm, Iberdrola Renewables would like to have a small presentation in this room. They will be presenting the first half of the first PILT payment to the Estancia and Vaughn school districts and Torrance County. They want to invite the commission to the check presentation. The presentation was scheduled to be at the Estancia Middle School; but we still have firefighters stationed there, so we've changed the venue.
2. It's already July, and the bond election is in August. That being said, I'm curious whether the commission is interested in holding some public meetings to educate the public on the projects and how it will affect their taxes. There seems to be a lot of misinformation out and around, and I think it would be beneficial to further educate the voters and encourage voter participation. Mr. Alsup, bond counsel, has agreed to attend these meetings and help explain the bonding process and its' effect on property taxes, so that will help. We certainly can't encourage people to vote FOR our proposed projects, but we can educate them on what the projects are and encourage them to vote....one way or another.
3. Because we just went through the Dog Head fire, and because it's a declared emergency, FEMA will reimburse the County for its expenses. Most of our employees received overtime for working this fire. Several of our employees are salary and don't receive overtime. Would the commission be willing to allow overtime to these employees, with the understanding that the reimbursement will come from FEMA?

The Commission agrees to hold public meetings to educate the public on the projects begin considered in the upcoming Special Election. Ms. Ansley will work on this. With regards to overtime pay for salaried employees that worked overtime

to assist with the Dog Head Fire, Mr. Wallin will look into this and see if overtime can be paid to these very deserving employees.

Once again, a huge thank you to everyone in this community, too many to list here, who came together and gave so much of their time, energy and heart to help their neighbors in need.

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.

Tracey Master, resident, speaks. She speaks about the Dog Head Fire and states that as a community member, she was so impressed at the way our community responded, whether it was people showing up to donate bottles of water, or people coming out to cook meals, everyone really pulled together in a way that our community should do all the time. She states that she saw a lot of tired people over the last few day, and no one ever complained.

Michelle Jones, resident (myself), speaks. She also thanks everyone who helped during this time of need. She also mentions a Navajo Taco fundraiser that is being held today to raise money to send the Bears Baseball Team to State.

Jesse Lucero, resident, speaks. As the Secretary of the Estancia School Board, he wants to thank everyone from the schools who came out to help. He also thanks everyone in the community for all of their efforts during this time. He states that this makes him so proud to be a school board member and the Deputy Assessor. He states that he and Ms. Cabber, County Assessor, will be going up to the burned area next week and they will begin the process of figuring out how to help the residents that were impacted. Once they get something in place, they will report to the Commission.

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

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

Executive session starts at 11:09 A.M.

***Reconvene from Executive Session:**

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

b) Consider and Act upon Personnel Matters Regarding the February 8, 2016 Grievance Hearing, 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.**

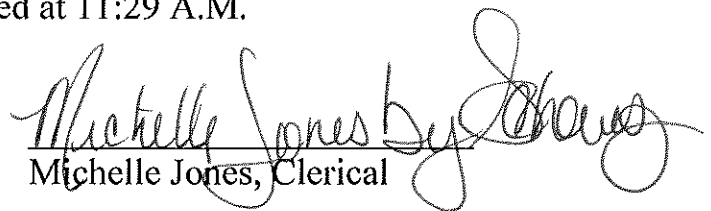
Regular Session reconvenes at 11:26 A.M.

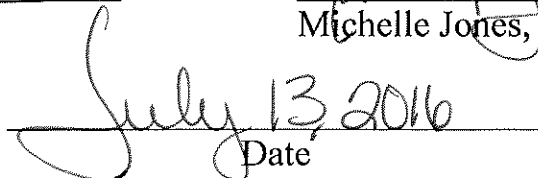
Chairman Candelaria states that during Executive Session, they discussed Personnel matters regarding the February 8, 2016 Grievance Hearing and were informed that an amount of \$38,900.00 was paid to settle this claim.

***Adjourn**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the June 29, 2016 Commission Meeting. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 11:29 A.M.


Chairman Candelaria


Michelle Jones, Clerical


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.