

**Final Copy**  
**Torrance County Board of Commissioners**  
**Commission Meeting**  
**July 27, 2016**

**Commissioners Present:**      **LeRoy Candelaria -Chair**  
   **Julia DuCharme-Member**  
   **James Frost-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 meeting to order at 9:00 am; he welcomes all those present to the meeting and leads us in the pledge. Madam Commissioner DuCharme gives the invocation.

**Approval of the Meeting Minutes:**

Chairman Candelaria asks for a motion to approve the July 13, 2016 Regular Meeting Minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the July 13, 2016 Meeting Minutes. Commissioner Frost seconds the motion. No further discussion. 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 Meeting Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve today's Commission Meeting Agenda. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

**Approval of the Consent Agenda:**

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

**\*Action Items\***  
**Items to Be Considered and Acted Upon**

**\*Department Requests/Reports:**

**1. Updates:**

**Linda Jaramillo, County Clerk,** speaks. She informs all that Torrance County currently has 9,381 eligible voters. She wants to encourage everyone to get out and vote! We currently have a Special Bond Election going on. Early voting for this election is being conducted here in the Administrative Office building. We will have an Alternate site that will begin Early Voting for the Bond Election on July 30<sup>th</sup> in Moriarty. Ms. Jaramillo states that in this election, as in all elections, your vote counts! People say that elections are already decided; they are not. The voters decide the outcome of elections. All are encouraged to exercise their right to vote because it does count.

Ms. Jaramillo also informs the Commission that she will be attending the annual New Mexico Coalition of Conservation Districts meeting tomorrow. They will be discussing the following Clerk’s Affiliate Resolution #2, which Ms. Jaramillo reads into the record:

**NEW MEXICO ASSOCIATION OF COUNTIES**

**CLERKS AFFILIATE RESOLUTION # 2**

<i>Short Title or Subject:</i>	<b>Community Elections Act</b>
<i>Affected Affiliates:</i>	<b>Clerks</b>
<i>Impact on County Revenues/Finances:</i>	<b>None anticipated at this time</b>
<i>Type of Resolution:</i>	<b>Legislative</b>

*Requested as NMAC Legislative Priority for 2017 Session: No*


**WHEREAS**, in addition to the Primary and General Elections, County Clerks also conduct public elections for School Boards and for Community Colleges; and

**WHEREAS**, there are many other public elections conducted by public bodies with taxation authority whose Governing Board is to be elected, including municipalities, school districts, soil & water conservation districts, flood control districts, conservancy districts, and many other special districts; and

**WHEREAS**, consolidation of local public bodies with general taxing authority into a Community Elections Day will increase turnout for many of these public bodies and provide the public with greater voice in taxation decisions which the public ultimately has to pay; and

**WHEREAS**, County Clerks want to work collaboratively with these local public bodies and others to accomplish this goal in a way that makes sense and that is administratively implementable.

**NOW THEREFORE BE IT RESOLVED** that the New Mexico Association of Counties supports legislation that would consolidate the elections of local public bodies with ad-valorem taxing authority into a single Community Elections Day held in the odd-numbered year, away from the Primary and General elections.

Signed: 

Date: June 23, 2016

Affiliate Chair

Ms. Jaramillo states that she is in favor of this resolution because she was hit with so many special elections this year. The Clerks Affiliate is trying to get the School elections and the Conservation District elections, etc., held at the same time and on the same ballot. They hope that, in this way, people will be more aware of these elections and voter turnout will increase. Ms. Jaramillo states that she agrees with this, but she points out that any school district or conservation district that does not hold their election on this specific date will have to have 'all mail' elections. The Secretary of State's Office is in agreement with the resolution and the ballots that will be used for those elections will be from the auto-mark so each voter will have a ballot printed specifically for them with their correct school district or conservation district, etc. Ms. Jaramillo states that this is implementable, but there are issues in this legislation that might affect soil and water conservation districts revenue streams. She will be participating in the discussion of this resolution and invites all interested parties to attend the meeting tomorrow at 9:00 am at the Edgewood Soil and Water Conservation District Building.

Madam Commissioner DuCharme takes this opportunity to thank Ms. Jaramillo for all her hard work, sometimes all day and late into the evening, and her efforts to engage voters. She notes that Ms. Jaramillo puts her election proclamations in both local papers and puts all important voter information on her County website page,

which is very informative and much appreciated. Madam Commissioner DuCharme states that she hopes we will be one of the leading counties in the state for voter participation.

**Leonard Lujan, Road Superintendent**, speaks. He states that the Road crew is currently working on all their State projects. They are going to have to reschedule their first week of chip sealing in August because they have to go out for bid on their oils, which has to come in front of the Commission on August 10<sup>th</sup>. Those projects will have to be rescheduled to the first week of September.

Mr. Lujan informs the Commission that they have hired 4 new employees, they have already passed their written tests for their CDL licenses and are in the process of getting their permits and learning how to drive the rigs, etc.

Rain is finally coming, which is helping quite a bit. Mr. Lujan states that he had scheduled some of the employees to start blading this weekend, but he was asked not to by one of the Commissioners. He asks for clarification about whether his employees are allowed to blade this weekend or not. Madam Commissioner DuCharme asks Mr. Wallin, County Attorney, for a legal opinion on about the Road crew working on Torrance County maintained roads on the weekends. Mr. Wallin replies that in his legal opinion, there is absolutely nothing wrong with it. Madam Commissioner DuCharme asks if it should only be done in emergency situations. Mr. Wallin replies that this is up to the Commission who, in his understanding, have designated the duties of managing the Road Department to the County Manager. In his opinion, allowing the Road Department to work on the weekends would not be a violation of the County Road policy. He can look into this further if the Commission directs him to. Madam Commissioner DuCharme asks Ms. Ansley, County Manager, if she has a comment about this. Ms. Ansley replies that if there is work that needs to get done and there are Road Department employees who are willing to work overtime on the weekends, and the timing is right, she would absolutely approve of them working on Fridays and Saturdays; they do not normally work on Sundays unless it is an emergency.

Madam Commissioner DuCharme states that when she was questioning work done on Cuervo Canyon road, she was told that the Road Department was working on the weekend because they were trying to finish the State projects in time; as an emergency basically and not on a regular basis. She asks for an explanation about why we need to do this on a regular basis. Ms. Ansley replies because we have always done that; we get behind, especially seasonally. Right now it's dry; if we have got some rain coming and we need to be out, then we go out.

Madam Commissioner DuCharme tells Mr. Lujan that if it is ok to do and there is no illegality here, by all means send your crew and disregard her comment. Mr. Lujan states that he just didn't want to get in trouble serving the public; he just wants to do the right thing. Madam Commission DuCharme thanks Mr. Lujan.

**Tracey Master, DWI Prevention Program Coordinator,** speaks. She informs the Commission that everything is going along as scheduled for the DWI program. Final reports are due on Friday and will be submitted on time. She states that her department will receive the report from their evaluator on or about August 15. She plans to present the results of that report to the Commission at the September 14 Commission meeting. She informs all that she has purchased some "unity stickers". The stickers say, "ONE TEAM, ONE FIGHT". The stickers represent the unity of Law Enforcement, Fire Fighters, and Emergency Medical Personnel. She has purchased 150 stickers and they should be in this week. She has discussed this with the County Manager and they are planning to try to get these on some of the County vehicles because they do represent what we do in the community. The next round of stickers will include dispatch. If anyone is interested in purchasing some, they can get in touch with Ms. Master.

**Nick Sedillo, Risk Management,** speaks. He states that back in May of this year Keers Industries Special Waste Disposal requested the renewal of their solid waste management permit. He thanks the Commission for allowing Keers to have this permit. This permit allows Keers to dispose of waste south of Mountainair. Mr. Sedillo explains that back in the late 1980s, the County created a tipping fee and that tipping fee has been in place ever since. That tipping fee actually funds our Safety Committee and it is appreciated. He states that it is not as much as he would like it to be but it is appreciated. Chairman Candelaria thanks Mr. Sedillo for putting his heart and soul into his work on the Safety Committee. In the last few years, we have received about \$20,000 dollars back from Risk Management because of our outstanding safety program. Mr. Sedillo states that he does not deserve the credit, our employees do. He further states that if his Safety Committee funds get to a certain point where they might need some assistance, he will be back. Ms. Ansley states that Mr. Sedillo really does make it happen; she states that the other day, she did not text and drive because he was driving in front of her. He states that he has safety spies everywhere, so employees watch out! Madam Commissioner DuCharme also takes this opportunity to thank Mr. Sedillo for his work insuring at all the necessary information about the Dog Head fire was put on the website as quickly as possible to help the community. She also talks about how Mr. Sedillo is on Safety duty all the time. She agrees that the success of a team depends on the team, but also on the leader. Great job, Nick!

**Betty Cabber, Assessor,** speaks. She represents Torrance County on the Board of Directors for the New Mexico Association of Counties. She is also on their legislative committee which met last week to look at all of the resolutions that the different Affiliates throughout the State have put together and submitted for NMAC support. The Clerk's Affiliate has four or five resolutions, including the one Ms. Jaramillo presented, that they are seeking support for. The legislative committee makes recommendations to the Board of Directors who make the final decision about which resolutions the NMAC will support during the next Legislative Session. Once these decisions are made, Ms. Cabber will bring a letter of support for Commission approval and signature. She states that during the legislative committee meeting, they gave full support to all of the Clerks Affiliates resolutions, especially the one Ms. Jaramillo spoke about.

Ms. Cabber states that in August, her department will begin the process of re-assessing Mountainair. She also asks everyone to be gathering information that they want to have passed out to the public at the gathering of counties in September at the State Fair.

**Steve Guetschow, Planning and Zoning Director,** speaks. Just a reminder for the general public that the Forest Service has a draft of the plan that they have been working on with the Landscape Team members. They will be a holding public meeting to review and discuss the plan on August 2<sup>nd</sup> from 6:00pm – 9:00 pm in Corona at the recreation room of the Corona High School and on August 3<sup>rd</sup> in Mountainair at the Dr. Saul Community Center Building. Information about these public meeting is also located on the Torrance County website.

**Janice Barela, Treasurer,** speaks. Her office will be mailing out notices of lien for manufactured homes that are delinquent on August 10<sup>th</sup>. This year they have 839 delinquent accounts; this total is very similar to totals of recent years. Also, Ms. Barela has kept a part-time helper on that is researching notices that have been returned as undeliverable. This person is finding correct addresses and resending the notices and they have had some good success with this. Madam Commissioner DuCharme asks if any liens were paid off last year. Ms. Barela replies yes, quite a few got paid off. They are considering asking Planning and Zoning to assist in tagging some of the delinquent homes. Ms. Barela informs the Commission that there is a yearly \$25.00 Treasurer fee that is also attached to these liens.

**Commissioner Frost** has no update today.

**Madam Commissioner DuCharme** speaks. She reminds all that the Torrance County Fair starts on August 9<sup>th</sup>. She knows that a lot of hard work goes into organizing a great Fair for us. She knows a lot of Torrance County residents will participate in the Fair and she hopes a lot of Torrance County residents will come to the Fair to watch the events.

**Chairman Candelaria** speaks. He also speaks about the upcoming County Fair. He reminds all that the kids participating in the Fair need everyone's support. Donations all go to help the kids with their animals for the next year. We all need to encourage these kids to keep on doing what they're doing. Kids who participate in activities like 4H, FFA, and the County fair are less likely to get into trouble. It's very worthwhile to come to the Fair and give your support.

**2. Memorandum of Understanding between Torrance County and Moriarty for use of the Electronic Eye- Chelsea Riley, Fair Board** Ms. Ortiz, Deputy County Manager, speaks. Ms. Riley is not able to attend today's meeting. This MOU is for the use of the electronic eye for the upcoming rodeos. There is no cost to the County as long as the eye is returned in the same condition it was received in. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the MOU between Torrance County and the City of Moriarty for the use of the Electronic Eye. Commissioner Frost seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED.**

**3. Request TCFD be Allowed to Apply for Financing of a New Fire Tender- Chery Hamm, TCFD Station 2** Ms. Ansley speaks. Ms. Hamm has requested that this item be tabled; she is awaiting information from the State Fire Marshall's Office that she needs in order to complete this request. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to table this item. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **ITEM TABLED**

**4. Contract between Torrance County & Motorola Solutions for Console and Dispatch Radio Maintenance- Ben Daugherty, Dispatch** Ms. Ansley speaks. She spoke with Ms. Dorothy Rivera, 911 Dispatch Director, this morning and they are not ready to present this item today. She has requested that this item be tabled. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner

DuCharme makes a motion to table this item. Commissioner Frost seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **ITEM TABLED.**

**5. Presentation of Protest Board Members- Jesse Lucero, Chief Deputy Assessor** Ms. Cabber, Assessor, speaks. Mr. Lucero is not able to be at today's meeting. The following list of Protest Board Members and Alternates has been presented to the Commission for approval:

Mr. John Blatnik (Member)  
790 HWY 55  
Estancia, NM 87016  
505-384-3207 (W)  
505-228-2116 (C)  
[blatnik@qvestoffice.net](mailto:blatnik@qvestoffice.net)

Cheri Wallin (Member)  
PO Box 875  
Moriarty, NM 87035  
505-832-7008 (H)  
505-553-3501 (C)  
[cwallin@lobo.net](mailto:cwallin@lobo.net)

Mr. Pete Golden (Alternate)  
PO Box 89  
McIntosh, NM 87032  
505-384-3207 (H)  
505-918-2075 (C)  
[Goldpete1@gmail.com](mailto:Goldpete1@gmail.com)

Danielle P. Johnston (Alternate)  
147 Cedar Lane Drive  
Moriarty NM 87035  
505-832-6288 (H)  
[daniellepresslyjohnston@gmail.com](mailto:daniellepresslyjohnston@gmail.com)

As this item is listed as an Action Item on the agenda, Ms. Cabber asks for Commission approval. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Protest Board Members and Alternates as presented by the Assessor's Office. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme confirms with Mr. Wallin that this item can be voted on. Mr. Wallin replies that he believes that the Commission can vote on this. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED.**

**6. FY16 EMPG Grant Application- Javier Sanchez, Emergency Manager** Mr. Sanchez is not in attendance at today's meeting. The Commission decides to table this item. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to table this item. Chairman Candelaria seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **ITEM TABLED.**



**7. Illegal Dumping Grant Agreement with New Mexico Environment Department – Dan DeCosta, Enforcement Officer** Mr. Guetschow speaks. Mr. DeCosta is not able to attend today’s meeting. Ms. Ansley confirms that the Grant Committee met with Mr. DeCosta concerning this grant agreement and they had no issues with it. Ms. Ansley further states that this is the normal recycling grant that we apply for each year. Mr. DeCosta is applying for \$16,782.00. There is a \$2,500.00 match requirement that is identified as in-kind. Mr. DeCosta informed Mr. Guetschow that the match will be met with Code Enforcement labor. The sites that Mr. DeCosta had identified for this funding are:

- The County Park
- Bella Vista A102 area
- The Estancia Ranchettes area

Mr. Guetschow also notes for the Commission that approximately \$1250.00 of this funding will go to the purchase of game cameras in an effort to catch those dumping illegally as well as batteries and SD cards for the cameras. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Illegal Dumping Grant Agreement with the New Mexico Environmental Department. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks about the following portion of the agreement:

**ARTICLE 3            SPECIAL TERMS AND CONDITIONS**

The parties agree that:

- B.     GRANTEE shall provide a written assurance signed by signatory authority that the GRANTEE has proper title, easements, leases, and right-of-ways to the property upon which any facility associated with the grant funding is to be constructed or improved.

She asks if we meet this requirement. Mr. Guetschow reminds her that, in times past, when it comes to private property that has been dumped on, the Commission has to approve a lien against that property prior to our cleaning it up. Ms. Ansley interjects that we also adopt resolutions for those properties. Madam Commissioner DuCharme asks if this project will go out for bid. Mr. Guetschow replies no because it does not have to. Ms. Olivas, Purchasing Director, comments that she attended the grant training for this with Mr. DeCosta. She states that the total for this grant agreement is well below the \$20,000.00 threshold that would require the County to go out for bid. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED.**

**8. Resolution 2016-31 Fourth Quarter Report Approval- Amanda Tenorio, Finance Director** Ms. Tenorio speaks. She is requesting approval of Resolution 2016-31 Fourth Quarter Report. This report summarizes the activity of the FY15-16 budget. DFA requires that the 4<sup>th</sup> quarter report must be approved by the Commission by resolution. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2016-31 Fourth Quarter Report. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks Ms. Tenorio to elaborate. Ms. Tenorio explains that this report is a summary of the activity for all of our department funds. It shows the beginning balance and the available cash ending balance that we will use for the new FY16-17 budget. Madam Commissioner DuCharme asks Ms. Tenorio to explain the numbers in red. Ms. Tenorio explains that those numbers show transfers OUT of a fund. The positive numbers, in black, so transfers INTO a fund. Madam Commissioner DuCharme asks about the 'Variance with Adjusted Budget Positive (Negative)' percentages. Ms. Ansley explains that if an adjusted budget amount EXCEEDS the approved budget amount the percentage reflects that, and vice versa. For example, the Property Tax-Current Year budget amount is 3,664,060.00. The Actual Y-T-D budget is \$3,837,953.00. The variance is +\$173,893.00 or 104.75% of the Approved Budget. Ms. Tenorio is thanked for her explanation. The No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED.**

**9. Resolution 2016-32 2016-2017 Budget Adoption- Amanda Tenorio, Finance Director** Ms. Tenorio speaks. She is requesting Commission approval for resolution 2016-32, the 2016-2017 Torrance County Operating Budget adoption. She states that our FY16/17 budget satisfies the local reserve requirements: the 3/12 General Fund requirement and the 1/12 Road Department requirement as required by DFA. The FY16/17 budget now includes:

- Fund 418- District 6 Fire Department
- Fund 432- Homeland Security Grant
- Fund 833- Emergency Planning Grant
- Fund 834- Dog Head Fire
- Fund 835- Goliath Winter Storm
- El Cabo Wind PILT- added to Fund 641

She worked the Commission approved requests from the recent workshop into this budget as well:

- Assessor's Office- additional position
- Animal Shelter- two full-time employees and \$20,000 capital outlay
- County Clerk- raise for Ms. Jones
- 2% raise for all Chief Deputies
- Fair Board- \$2,000.00 additional funds
- Domestic Violence- \$30,000.00
- Planning and Zoning- \$5,000.00 capital outlay
- 0.75 cent cost of living raise for County employees
- Veteran's Fund- \$12,000.00

All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2016-32 2016-2017 Budget Adoption. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme comments that she looked through the proposed budget and she did not see any rent money received from the Judicial Complex. She clarifies that in the 2015/16 Operating budget, she saw that the County was receiving approximately \$50,000.00 from renting a portion of that facility. Ms. Ansley explains that Magistrate Court did not renew their lease; magistrate courts are closing throughout the state. The County is required statutorily to provide space for the other entities in that building. Mr. Wallin concurs that it is his understanding that Magistrate Court has not renewed their lease. He offers to look into this further if the Commission directs him to. Chairman Candelaria states that if the money does come from them at a later date it can just be added into the budget at that time. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

**\*Commission Matters:**

**10. Report of Citizen Complaint of Gates on County Roads** Ms. Ansley speaks. She believes that at the last Commission meeting, Mr. Wallin was directed to look into this issue as to what the County's options are with regards to obstructions on County right of ways. Mr. Wallin states that he does not have a report back at this point in time. His initial research on it is that there is a state statute as well as our County Road Policy that talks about obstructions. The question becomes whether a gate that is unlocked is an obstruction under the law. He did a little bit of researching into case law, but he needs to look at the individual situations to

determine whether or not they came in under prior law and he has not had the opportunity to do that. Mr. Wallin asks the Commission to table this item until he can give them a full report. Ms. Ansley comments that her office was instructed to look for any written agreements and they found nothing in writing allowing the gates. Mr. Walling asks if Ms. Ansley found anything that could determine when these gates were put in. Her office could not find anything. Chairman Candelaria comments that these gates are primarily there to keep livestock in. He states that a couple of weeks ago he heard about an incident that occurred about ten miles west of Vaughn. One cow got out on the highway and three people were killed. He asks where we are going to place our priorities. Chairman Candelaria calls for a motion to table. Madam Commissioner DuCharme comments that we just voted on a Road Policy just last year. She asks Chairman Candelaria if he thinks that our Road Policy is now dangerous to follow. He comments that he is not saying that; he states that an open mind and common sense is needed here. There is further discussion. Mr. Wallin states that a gate in and of itself may not be an obstruction, a locked gate clearly is; a public right of way cannot be obstructed. Commissioner Frost comments that most of those roads have been around longer than he has. He states that a typical saying applies here: if it ain't broke, don't fix it. He states that we have lots and lots of acres and lots and lots of ranchers that pay lots and lots of property tax. Lastly, Commissioner Frost states that he just doesn't want to do anything about it. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to table this item. There is no second. **NO ACTION TAKEN, MOTION DIES.**

#### **11. Torrance County 911 Numbering/Rural Addressing Ordinance 97-6**

**Discussion (and Action if necessary)** Mr. Wallin, County Attorney, speaks. This item was discussed at the last Commission meeting. This ordinance was originally created in 1997. Essentially, the question here is whether or not Rural Addressing should be assigning addresses, under this ordinance, to platted vacant lots. Mr. Wallin states that he has reviewed the ordinance and it clearly needs to be revisited and most likely this Commission, or a future Commission, needs to determine what policy the Commission wants to follow. He states that it appears that the initial intent of the ordinance was for Emergency Management needs and that the intent was to provide addresses for platted lots in subdivisions. He has spoken with Mr. Gastelum, Rural Addresser, at length about this. Mr. Wallin states that he is still working on it and he will develop something that is more responsive to the question. He will also start working with Mr. Gastelum to develop an ordinance for Commission consideration. He has checked with Santa Fe, San Miguel, and San Juan counties and none of them address platted vacant lots. Today, he is requesting

that this item be tabled. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to table this item. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **ITEM TABLED.**

**12. Possible Double Billing of the County by an Outside Entity; Amount exceeds 5 figures- Hank Van Es, Resident** Mr. Van Es presents the Commission with a hand-out that is included in the file for this meeting. He states that this matter deals with the acquisition of the land on which the Neil Mertz Judicial Complex currently rests. The property was originally 25 acres and it was purchased by the Torrance County Solid Waste Authority, (TCSWA) and was subdivided. In May of 2002, the County Commission acquired Tract A of that subdivision. Tract A was 5 acres and it was acquired for consideration. Specifically, the County was to grade a road through the 25 acres and, in return, they would receive the 5 acres of land. Approximately 9 months later the County purchased a second tract right next to Tract A, which was Tract B. Soon after, the TCSWA sent an invoice to the County for Tract A and Tract B. By that time, Tract A had already been owned by the County for over 9 months. The TCSWA wanted \$100,000.00 for property that the County already owned. Tract B, 3.910 acres, was also on the invoice at a cost of \$78,200.00, bringing the total on the invoice to \$178,200.00. Mr. Van Es states that he has submitted an IPRA request to the County and the EVSWA for information concerning this transaction. The County only has two documents pertaining to Tract B: the warranty deed and the NM Uniform Property record card. He states that according to the NM Uniform Property record card, the value of Tract B was listed at \$23,418.00. Mr. Van Es states that he does not know if this value is a retail value or 30% of the actual value, etc. In any case, there is a substantial difference of over \$50,000.00. He also submitted an IPRA request with the Torrance County Solid Waste who has a very limited number of documents. Mr. Van Es states that when he asked Mr. Ellis, former EVSWA Manager, about this he was told, 'that's all the documents I have' or 'I don't remember.' Mr. Van Es states that the warranty deeds for both Tract A and Tract B were signed by Mr. Bill Williams, then Chairman of the TCSWA. The Resolution acquiring Tract A was also signed by Mr. Bill Williams, then Chairman of the County Commission. Mr. Van Es now requests that the County go through their financial records and verify that the money was paid to the TCSWA, (\$178,000.00). He has not yet put in an IPRA request for the financial documents. Lastly, he summarizes that it looks like there was money transferred from the County to the Solid Waste Authority- \$178,000.00. \$100,000.00 of which was for property that the County already owned. He again requests that the County go through their financial records to

verify whether this invoice was paid or not paid. He also states that he believes that Mr. Williams should have an opportunity to explain his side of it in light of the fact that he was on the Commission and on the TCSWA Board at the time that the property was transferred. He might have information about the specifics and perhaps this entire thing is innocent. Ms. Ansley comments that, with regards to the question about payment, she will certainly have the finance look into it and see what has been paid. She states that it will take a while because she thinks it was prior to our electronic system. All documentation hereto attached. **NO ACTION, INFORMATION ONLY**

**13. Solid Waste RFP** Commissioner Frost speaks. He asks if there is any further report on this item from the RFP Committee. Madam Commissioner DuCharme states that the RFP Committee met last Wednesday; 7 out of 10 members were present. She informed the RFP Committee about her update at the last Commission meeting. She also informed the RFP Committee about the possibility of this item being on the agenda again today. She informs the Commission that she has a rough draft of the RFP today that she would like to present to Purchasing Director and to Mr. Wallin. The RFP Committee would like to have their feedback on what they have so far and go from there. She states that after they receive this feedback, they will be ready to present the RFP to the Commission. Chairman Candelaria asks if the Commission can see the draft RFP today. Madam Commissioner DuCharme replies that she does not think she can present this to the Commission today because then it becomes a public document before it goes for bid and it will be nullified then. Chairman Candelaria disagrees and states that this should be a public document from the beginning. Madam Commissioner DuCharme states that she believes it becomes public after issuance. She asks Ms. Olivas for assistance in clarifying this process. Ms. Olivas, Purchasing Director, speaks. She states that when this RFP was her responsibility, Madam Commission DuCharme wanted to see her documentation constantly and in the Commission packet. She also states that she was under the impression that the RFP Committee was working on specs, because this was meant to be an apples to apples RFP. Ms. Olivas further states that she is not sure why the RFP Committee is concerned with writing the rest of the language; the scope of work for the RFP Committee was specs only. Madam Commissioner DuCharme states that if Ms. Olivas only needs the scope of work, she is welcome to take only the scope of work. Madam Commissioner DuCharme comments that the volunteers that are working on the RFP Committee are putting in their time, their effort, and all their abilities to help Ms. Olivas in this endeavor. Ms. Olivas replies that Madam Commissioner DuCharme, as the Chair of this Committee, should not have let the committee do all this unnecessary work. Mr.

Wallin comments that, unless there is something about this document that he is unaware of, all of the drafts of this document should be public. The public has a right to know what is being prepared by a County group or committee for Commission consideration. Madam Commissioner DuCharme asks Ms. Olivas if her other RFPs have been made public before their issuance. Ms. Olivas replies that anyone can come in to her office at any time and see an RFP in progress if they wish; she does not publish them until they are ready. She states that this RFP is different because Madam Commissioner DuCharme wanted herself and her committee to be involved with the process, so this one has to be public. Mr. Wallin clarifies that any document or draft created by this committee and any other committee must be maintained for public viewing. Madam Commissioner DuCharme states that if this document is public record from the beginning, they have nothing to hide. Commissioner Frost comments that a lot of people have spent time and thought on this issue also. He states that last winter the Commission held a public hearing on this issue and a lot of residents attended who expressed very vocally what they wanted changed. Many of the requested changes have been implemented since then; the vacant residence charge has been completely removed, low income residents and senior citizens receive a 50% discount, and residents who use a private hauler pay only \$6.40 a month. As a result of these reductions, there is not enough money to cover all of the Authority's expenses. In the County budget that we just passed, money from the County will go to subsidize some of these expenses. A portion of this money may come from the Wind projects, which helps every person in the County. Commissioner Frost states that in addition to all of these changes, the EVSWA has a new manager, who is very capable and doing a good job and needs time to do what he can to help keep things going and possibly improve on them. Commissioner Frost thanks the RFP Committee for working on this; he knows they have put in a lot of time and effort and he hopes they continue to do so. He states that if we do finalize this RFP and it goes out to a different company, we will lose 14 jobs; 14 people that work for the Authority now, 14 families that will be left with no income and no benefits. Some will lose their retirement. We spend money to provide economic development in our County; to provide jobs for people in our County. This could put people out of work. Commissioner Frost reiterates that he hopes the RFP Committee will continue to work. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion suspend any action on this RFP for 18 months and give the present organization and new manager time to do what they are trying to do. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks Commissioner Frost what his intentions were when he voted to put this committee together in the first place. He replies that he wanted to help get a proposal that may work and it still is. But his motion is to suspend any action on

that for 18 months which would give the RFP Committee more time. He further states that he knows that if there is an RFP that is accepted, it is going to take time to build new transfer stations and tear down the old ones and make the system work, and to hire new people and get a new accounting system, etc. Madam Commissioner DuCharme states that she is very disappointed. She states that in her eyes, this committee is not being taken seriously. She does not understand why we go for RFP for almost every contract except the biggest contract in the County that we have: the Solid Waste contract for \$800,000.00. You don't want to see if we can have a better deal. Commissioner Frost states again that he wants the RFP Committee to continue. He also heard from representatives from Lincoln County and Valencia County, who stated, in summary, that Torrance has the best collection system and solid waste program in the State. The Commissioners vote; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

**14. Funding Assistance for Veteran's Memorial** – Chairman Candelaria speaks. He reminds all that representatives from the Veteran's Memorial Fund asked the Commission for \$25,000.00. During our recent budget workshop, Commissioner Frost recommended allocating \$12,000.00 to the Veteran's Memorial Fund, which the Commission agreed to do. Chairman Candelaria states that Torrance County does need a Memorial to the people who have given their lives for this country; to help us continue to do what we do. We need to have a place, a memorial where these people can be honored by having their name on that plaque or wall; they deserve that. It's not right that so many of New Mexico, Torrance County people are not part of being memorialized for the efforts they gave for this country. Chairman Candelaria states that his wife has two Uncles that were in the Bataan Death March. From Mountainair, we had Mr. Gene Smith. They were members of the New Mexico National Guard that were sent to the Philippines at that time of World War II, thinking that it was a safe place. Back then our National Guards were understaffed and underequipped; they were not prepared for the bombardment that they received from the Japanese all at one time. They were captured; hundreds died. Chairman Candelaria states that he is in agreement with this allocation. He hopes that in the years to come, we can continue helping them to keep the memory of our citizens that have fought in this country for the rights that we have. He states that he is honored that his whole family has served in the military; his dad in World War II, himself in Vietnam, his Uncles in Korea, his son who recently retired from the United States Marine Corps., and his daughter who is about to retire from the United States Air Force. **ACTION TAKEN:** Chairman LeRoy Candelaria makes a motion to approve \$12,000.00 to go towards the Veteran's Memorial to be built in Moriarty. Commissioner Frost seconds the



motion. Madam Commissioner DuCharme comments that this memorial is very much needed in Torrance County and she is glad that the County is able to show this support. No further discussion. The Commissioners vote. All in favor, none opposed. **MOTION CARRIED.**

## 15. Update

Ms. Ansley presents the Commission with the following written update:

Manager's Report July 27, 2016

1. I met with the contractor who's going to be helping us with some necessary work at judicial yesterday; plans are finalized and we're issuing a purchase order. They hope to begin work in 30 days, and the improvements will take 60-90 days. Facility Build is a CES contractor out of Albuquerque. Because of the scope of work of this project, and the multitude of problems that we're addressing, it would be impossible to bid this work, without architectural drawings. Facility Build is a construction firm who specializes in these types of building remodels and repairs. They've drawn the plans and will build the improvements.
2. The public meetings for the GO Bond special election are being held this week. We met in Willard and Mountainair on Monday night and Torreon last night. We'll have another public meeting in this room tonight, at 6:00 p.m. and tomorrow night in Moriarty, at the Civic Center. Please spread the word and encourage voter education and participation with this process.
3. The ADA slab is being poured at the fair building as we speak and should be complete by this evening.
4. With regards to Mr. Van Es' request for financial records for payments made to EVSWA for a land transaction, I was reminded by staff that the statutory retention for financial records is 7 years, so those documents from 2002 and 2003 were most likely destroyed in 2010 and 2011.

Madam Commissioner DuCharme states that the Commissioners have received a letter from the Attorney General's Office telling them about a complaint they received and asking the Commissioners to supply them with information regarding the complaint. She thinks the Commission needs to instruct Ms. Ansley to provide this information to the Attorney General's Office. Both Chairman Candelaria and Commissioner Frost comment that they have not received this letter. Madam Commissioner DuCharme states that it is in reference to a complaint from Ms. Patricia Lincoln about a possible violation of the Open Meeting Act. Ms. Ansley states that she has not received anything. Mr. Wallin also comments that he has not received any correspondence about this complaint. Madam Commissioner DuCharme states that her fellow Commissioners were cc'd. Madam Commissioner DuCharme will provide a copy of the letter to the County Manager.

**Public Requests:** At the Discretion of the Commission Chair. For Information Only (**No Action Can Be Taken**). Comments are limited to five (5) minutes per person on any subject.

**Michelle Jones**, resident (myself), speaks. In summary, in light of current political events she talks about how many women hold important offices within the County and congratulates Torrance County on having such strong female role models for her Estancia High School daughter to look up to. She commends the excellent men working for the County as well! Good Job Torrance!

**Michael Godey**, resident, speaks. He speaks about the spirit of the law vs the letter of the law with respect to the gated County roads issue which is a very complex issue and the 911 ordinance. He suggests that if there is a request for an address due to a situation where someone's life might be at risk that addressing automatically honor that request and provide an address no matter the description of the property.

Mr. Godey talks about the RFP committee and clarifies that the RFP can present differences from what the EVSWA is currently providing.

**Fred Sanchez**, resident, speaks. He states that as a Veteran's Advocate he would like to thank the County for its generosity. All his life he has tried to help Veterans.

Regarding the County roads with gates, he states that the simple solution is well maintained cattle guards.

**Gail Langell**, resident, speaks. She speaks about the issue of ranchers and their gates. She states that a lot of new people have moved into the area because they like our way of life. She speaks about ranchers and the good they do for others; they don't call the police on each other, they help each other. Their cattle is their paycheck, why not give the ranchers a break; people who are just trying to make a living and contribute to our way of life.

**Hank Van Es**, resident, speaks. He states that he would like to address his comments to Commissioner Frost. With respect to the potential loss of 14 solid waste authority jobs, he states that he does not believe that it is the County's duty to guarantee jobs. Shouldn't the citizens of this County benefit from a potentially lower price of an independent or private contractor picking up the trash. To deny this for 18 months is a travesty.

**Betty Cabber**, resident, speaks. She also addresses the gated road issue. She talks about her rural upbringing and her understanding of the rural way of life. She agrees with Ms. Langell's previous statements. She states that, in all honesty, the majority of County roads in those situations where there is going to be a closed gate and/or a locked gate, there's nobody else on those roads; even though it's a public road it's not depriving anyone of getting from point A to point B.

**Danielle Johnston**, resident, speaks. She has lived in Torrance County for 40 plus years and has been a participant in the RFP process for many of those years. She states that with an RFP of this importance and this contract price (approximately \$800,000.00) she commends Commissioner Frost for his courage to remain prudent. She states that when you are looking at an RFP for as much as \$800,000.00 you need to involve legal counsel, grant writing experts, and you must go slowly. It takes courage to go slowly. She urges the RFP Committee to continue working and to be diligent, but to be respectful of what this RFP contains.

**Bill Williams**, resident, speaks. With regard to the RFP Committee, he asks Madam Commissioner DuCharme, RFP Committee Chair, if the committee is charged with developing the RFP themselves. Madam Commissioner DuCharme states that they are working on suggestions for the Procurement Officer. They will submit whatever they can submit to her and then she will issue the RFP. Mr. Williams states that he wanted this clarification and that he hopes to hear a report on the RFP Committee's future progress. He mentions the report that the EVSWA had done by Gordon Environmental. He states that it is a very thorough report which is non-prejudice and non-biased by anyone because they had their own engineers doing it. The only recommendation they had was to go out for an RFP for pricing. He too commends Commissioner Frost. Mr. Williams is the Chairman of the Solid Waste Authority. The EVSWA has a new long-term contract with the County. He states that, as Chair, they are looking forward to seeing how this contract will operate, particularly with their new Manager who is very enthused and very qualified to run this organization. The postponement of the RFP will give everybody a chance to see how this will work out.

### **EXECUTIVE SESSION**

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

**Threatened & Pending Litigation 10-15-1 (h)(7):**

- a. Personnel Matters: Pursuant to Section 10-15-1 (H)(2), Discuss Limited Personnel Matters ref.: Road Department Employee(s)

**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 11:35 am.

**\*Reconvene from Executive Session**

**ACTION TAKEN:** Commissioner Frost makes a motion to reconvene from Executive Session. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED.**

Regular Session reconvenes at 12:04 pm.

Mr. Wallin states that during Executive Session the Commission discussed a limited personnel matter ref; the Road Department. Human Resources Director, Ms. Annette Ortiz, will explain the situation.

Ms. Ortiz states that Mr. Leonard Lujan, Road Department Superintendent, and Josh Jantz, Road Department Mechanic, are now related as Mr. Jantz recently married Mr. Lujan's daughter. This has created a nepotism issue. Ms. Ortiz is asking the Commission to make a decision concerning these employees.

There are three options for the Commission to consider:

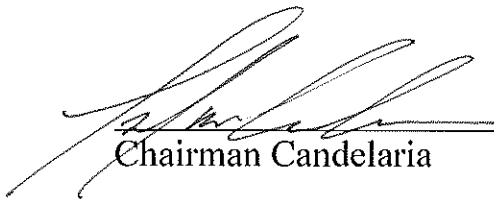
- The Commission can allow for an exception to the Personnel Policy by giving the direct supervision of Mr. Jantz to the two Road Foreman: Mr. Petey Montano and Mr. Brian Sanchez. This would be an exception because Mr. Lujan would remain the primary decision maker if something should happen or any disciplinary were necessary.
- The Commission could chose to terminate the employment of either Mr. Jantz or Mr. Lujan.

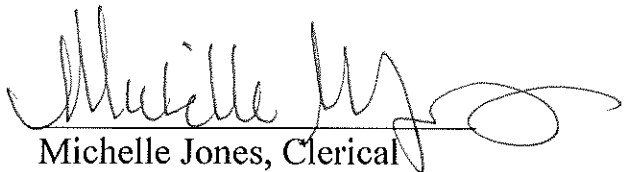
- The Commission could demote Mr. Lujan to an equipment operator position and hire a new Road Superintendent.

**ACTION TAKEN:** Chairman Candelaria makes a motion to put Mr. Jantz, Mechanic, under the direct supervision of the two Road Foremen, allowing for an exception to the Personnel Policy. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks for clarification about Mr. Lujan's title. Ms. Ortiz states that Mr. Lujan's title is Superintendent. Madam Commissioner DuCharme asks if Commission approval is needed for Mr. Lujan to have the title of Superintendent. Mr. Wallin answers no; the Department head can restructure the department. No further discussion. The Commissioners vote; Two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED.**

**\*Adjourn**

**ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to adjourn the July 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 12:12 pm

  
Chairman Candelaria

  
Michelle Jones, Clerical

8/10/16  
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.**

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