

**Final Copy
Torrance County Board of Commissioners
Commission Meeting
August 24, 2016**

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

Others Present: **Joy Ansley-County Manager
Annette Ortiz- Deputy County Manager
Brandon Huss- County Attorney
Michelle Jones –Admin. Assist. III**

Call Meeting to Order:

Chairman Candelaria calls the meeting to order at 9:01 am; he welcomes all those present to the meeting and leads us in the pledge. Commissioner Frost gives the invocation.

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the August 10, 2016 Regular Commission Meeting minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the August 10, 2016 Regular 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.**

There are no indigent claims.

Action Items

Items to Be Considered and Acted Upon

***Department Requests/Reports:**

1. Updates:

Linda Jaramillo, County Clerk, speaks. She gives an update on the recent GO Bond election. The election canvas was conducted on Thursday, August 18th. 829 people voted; 11.2 % of all the Torrance County registered voters. Ms. Jaramillo shares the election results:

GO Bond Question No. 1 – Shall Torrance County issue up to \$1,400,000 of general obligation bonds to be repaid from property taxes for the purpose of constructing, equipping, erecting, and acquiring emergency communication equipment and towers for County law enforcement, fire protection, and emergency medical responders? **FOR – 473 AGAINST – 345 PASSED**

GO Bond Question No. 2 – Shall Torrance County issue up to \$700,000 of general obligation bonds to be repaid from property taxes for the purpose of constructing, repairing, and otherwise improving County fairground buildings and facilities? **FOR – 341 AGAINST – 472 DID NOT PASS**

GO Bond Question No. 3 – Shall Torrance County issue up to \$1,400,000 of general obligation bonds to be repaid from property taxes for the purpose of constructing and repairing public roads and purchasing capital equipment for such projects? **FOR – 413 AGAINST – 408 PASSED**

GO Bond Question No. 4 – Shall Torrance County issue up to \$150,000 of general obligation bonds to be repaid from property taxes for the purpose of

erecting, remodeling and making additions to necessary County Road Department offices? **FOR – 277 AGAINST – 539 DID NOT PASS**

GO Bond Question No. 5 – Shall Torrance County issue up to \$550,000 of general obligation bonds to be repaid from property taxes for the purpose of erecting, remodeling and making additions to necessary County buildings? **FOR – 308 AGAINST – 500 DID NOT PASS**

Copies of the canvas for the election are available in the County Clerk's office.

Nick Sedillo, Safety Committee, speaks. He informs the Commission that 4 County employees have volunteered to become Defensive Driving Instructors and 4 other County employees have volunteered to become First Aid CPR Instructors. Training materials are being sent to us from the National Safety Council. Once the materials arrive, an instructor from the NMACO will come here to train the trainers. The DD and CPR classes are also available to the public.

Betty Cabber, Assessor and Torrance County Representative to the NMACO Board of Directors, speaks. Ms. Cabber is a member of the NMACO Tax Policy Committee. She states that any Elected County Official who would like to be a member of any of the NMACO committees can send an email to the NMACO President Tyler Massey, the current Hidalgo County Treasurer, to make that request. Anyone wanting a list of the current NMACO committees can obtain that list from Ms. Cabber. The Tax Policy Committee will be keeping a close eye out for any tax related issues that may come up; the NMACO does not want any legislation going through that may be detrimental to the counties. Ms. Cabber will be sure to pass along any information that she receives about interim committees, legislation, etc. that she is informed about as we get closer to the 60 day Legislative Session. The budget will be the big issue this session. Economic development will also be a priority.

Ms. Cabber informs all that on Thursday, Sept. 15, the NMACO is collaborating with EXPO New Mexico to coordinate the 13th Annual Gathering of Counties and NM True Day at the NM State Fair. Torrance County will be manning a booth there. Anyone with suggestions for the booth or giveaways are encouraged to contact Ms. Cabber.

Commissioner Frost comments that he attended our County Fair and it was a great success; they had a wonderful sale. He also comments that he is happy to see the Road crews out making so many road repairs; he is glad to see the progress.

Madam Commissioner DuCharme comments that she was made aware of the situation that we currently have with our audio/video postings of our Commission meeting to the Torrance County website; three meetings will not be posted until after September 5th, when Mr. Bryan Burton from Lobonet returns from vacation. Mr. Burton sent Ms. Jones, (myself) an email stating that he would not be able to post videos and that he had sent her numerous emails informing her of this so that she would not be caught off guard. Ms. Jones informed the Commission and Ms. Ansley that she did not receive any emails informing her that he would be gone. This is an unacceptable situation. Madam Commissioner DuCharme instructs Ms. Ansley to contact Mr. Burton and inform him that this situation is not acceptable. Madam Commissioner DuCharme states that she believes that we have a contract with him and he has to post those videos on time, not at his convenience. He should have made proper arraignments concerning this before his vacation.

Madam Commissioner DuCharme comments about our recent County Fair; it was very inspirational and there is always something that can be learned from going there and experiencing it. She comments that at one point during the Fair Sheriff White was giving awards to children for doing something right even when no one else is watching. She states that through this type of encouragement you can receive lifelong lessons. She encourages all who have comments about the Fair to please share them.

Chairman Candelaria states that the Commission received a thank you note from a resident; she thanked the Commission for the new wheelchair ramps that were added at the Fairgrounds. Chairman Candelaria thanks Ms. Ansley and the Road Department for working on this. Chairman Candelaria also comments about the success of our recent County Fair and the positive impact that the Fair has on our youth. So many important lessons can be learned by participating in organizations like 4-H, FFA, Church Organizations, etc.

2. Request TCFD be Allowed to Apply for Financing of a New Fire Tender- Cheryl Hamm, TCFD Station 2 Ms. Hamm speaks. Ms. Hamm presents the Commission with a contract pricing worksheet for the Fire Tender. She explains that today she is requesting approval from the Commission to apply for financing for a new Fire Tender. In order to continue with their current ISO rating, they need

to be able to provide more water capabilities. The total amount being requested is \$280,591.00. Their allotment from the State Fire funds is \$123,000.00 for the current year. They have a \$44,000.00 payment with 4 more years left on their engine, leaving a balance of approximately \$70,000.00. She is confident that they will be able to make the payments. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion approve the request from the TCFD to apply for Financing of a new Fire Tender. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks about the old equipment. Ms. Hamm replies that the old water trucks were taken out of service for safety issues and were sold at auction. Also, the cost to repair them would have been significantly more than what they were worth. They currently have one tanker but in order to keep their current ISO rating, they need another one. DFA will provide the final approval for this loan. A committee has worked together to insure that this proposed tender will be properly equipped. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

3. Request to Utilize Houston-Galveston Area Contract for Purchase of Asphalt Zipper- Leonard Lujan, Road Department Mr. Lujan 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**

4. Recommendation(s), Interview and Appoint Replacement for Senate Seat District 19 Chairman Candelaria speaks. State Representative Sue Wilson Beffort will be retiring after 20 years of service. The Commission will be recommending a replacement to the Governor. Today, all interested candidates will have 3 minutes to come to the podium, give a brief statement about themselves and their credentials, and answer any questions that the Commission may have. Then the Commission will discuss the candidates and pick a recommendation. The following persons present themselves to the Commission as candidates:

- Mr. Jim White
- Mr. Harold Murphree

Both candidates are uniquely qualified for this very important position. Both are thanked for their interest in serving.

At this time, our current Torrance County political party chairs advocate for these candidates. Ms. Margarita Hibbs, TC Democratic Party Chair, advocates for Mr. Howard Murphree and Mr. Mel McNeil, TC Republican Party Chair, advocates for Mr. Jim White. All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria asks for a motion to recommend Mr. Murphree. There is no motion. Chairman Candelaria asks for a motion to recommend Mr. White. Commissioner Frost makes a motion to recommend Mr. Jim White to take over the Senate Seat in District 19. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme states that she is a member of the TC Republican Party and was in attendance at the Republican meeting when Mr. White was nominated to be considered by the Commission and, as such, is recusing herself from this vote. No further discussion. The Commission votes; two in favor, Madam Commissioner DuCharme has recused herself. **MOTION CARRIED.**

Commissioner Frost comments that we were lucky to have two highly qualified candidates to choose from. Chairman Candelaria also comments on the importance of our next Legislative session.

5. Resolution 2016-36 Adoption of 2018-2022 Infrastructure Capital Improvement Plan- Leslie Olivas, Purchasing Ms. Olivas speaks. She is here today to get Commission approval of Resolution 2016-36 Adoption of the 2018-2022 ICIP, which the Commission discussed at their last regular meeting. Ms. Olivas presents the Commission with the resolution and the updated ICIP Summary page, which is included in the file for this meeting. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2016-36 Adoption of 2018-2022 Infrastructure Capital Improvement Plan. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

6. Resolution 2016-37 Resolution to Support the 2017 Legislative Priorities of the NM Association of Counties- Ms. Betty Cabber, Assessor and Torrance County Representative to the NMACO Board of Directors, speaks. Today, she is requesting approval of Resolution 2016-37 in support the 2017 Legislative priorities of the NMACO. In summary, the Board of Directors of the NMACO approved 4 legislative priorities for consideration by the NM Legislature at its 2017 regular legislative session. The NMACO has requested that the Commission

in each of the State's 33 counties discuss and approve a resolution supporting these priorities. The NMACO legislative priorities include support for legislation on the following 4 issues:

- **Whistleblower Protection Act**

Support amendments to, among other things, better define the definition of "good Faith" by requiring some minimal threshold of evidence to file a claim, narrow the definition of "retaliatory action," limit "unlawful or improper act(s)" to violations of state or federal law, and narrow the universe of individuals to whom a complaint may be communicated as a precondition to filing a claim.

- **New Mexico 911 Act Revisions**

Support an amendment to the 911 surcharge statute (63-9D, NMSA 1978) to ensure all technologies utilizing 911 services are contributing equally to the New Mexico 911 fund.

- **Forfeiture Act**

Support amendments to the Forfeiture Act that remove unreasonable burdens placed on law enforcement agencies, allow law enforcement agencies to retain forfeited property under limited circumstances, clarify appropriate use of forfeiture, and ensure that due process rights of parties involved are honored.

- **Capital Outlay for Non-Governmental Entities**

Support recommendations that allow local Board of County Commissioners to: accept, approve, and review non-governmental entities' capital outlay funds and their fiscal impacts to county's finances prior to submission to the state legislature; suspend acceptance of 2017 legislative session capital outlay funds for purchase of vehicles, information technology, and any capital outlay expenditure of less than \$50,000; and authorize the collection of a 3% administrative fee.

A copy of Resolution 2016-37 and the 2017 NMACO Legislative Priorities and Position Statements are included in the file for this meeting.

Madam Commissioner DuCharme asks if the Commission can vote on the priorities individually. As written, they cannot; all the priorities are included in the one resolution. All documentation hereto attached. **ACTION TAKEN:**

Commissioner Frost makes a motion to approve and support Resolution 2016-37 a Resolution to Support the 2017 Legislative Priorities of the NM Association of Counties. Chairman Candelaria seconds the motion. Madam Commissioner

DuCharme asks Mr. Huss if he has an opinion about the priorities in this resolution. Mr. Huss comments about the Whistleblower Protection Act. He states, in summary, that his understanding is that the NMACO perceives that the Whistleblower Protection Act is currently too broad in the scope of the complaints that it protects and a far greater number of disciplined or terminated employees are able to bring very costly lawsuits against counties under this act. The intent of this legislation is to narrow the type of complaints and the type of disciplinary actions that would fall under the act. This would still protect disciplined or terminated employees who have legitimately spoken out. Madam Commissioner DuCharme comments that she still feels that she does not have enough detailed information to make a decision about this item today. The Commission briefly discusses the rest of the priorities. The Commission votes; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED.**

7. Torrance County 911 Numbering/Rural Addressing Ord. 97-6 Discussion (&Action) Mr. Huss speaks. He states that after this was on the last Commission agenda, he did some research. The main question at issue here is whether or not the County will issue a physical address to vacant land. Mr. Huss states that he contacted some other counties with large rural areas and asked them if they provide physical address to vacant properties; the counties he contacted do not. The ordinance, however, is vague and can be read either way. The Commission can chose whether or not to provide addresses and direct legal to amend the ordinance accordingly. Chairman Candelaria asks if providing addresses to all the vacant properties in the County could facilitate illegal activities. Mr. Huss suggests that the Commission get input from the Sheriff's Office on this issue; would providing addresses help or hurt. Mr. Nick Sedillo comments that Torrance County has a significant amount of vacant land; of Torrance County's approximately 40,000 parcels, approximately 30,000 are vacant. We have never assigned an address to a vacant parcel; we want a process whereby persons can come in and get a permit and then an address. The priority is a correct address for 911 purposes. Mr. Sedillo does not recommend issuing addresses to every vacant property. Mr. Guetschow comments that we don't like to issue an address to vacant property because many mobile home contractors try to circumvent our regulations for getting a land development permit. Also, in several of our older subdivisions, we have substandard lots; addressing those lots before they are consolidated to meet regulation standards will add another set of problems. Also, large tracts of properties are often subdivided or consolidated; addressing these would also be problematic. Mr. Guetschow now states a myriad of ways that addressing these properties can invite criminal activities. Ms. Cabber agrees that the ordinance

needs to be clarified; but does not agree with the idea of addressing all vacant properties. A person can park their RV or their own travel trailer on their own property for 6 months, which is allowed, but people cannot be allowed to live there indefinitely without septic or electricity, etc. It then becomes a safety issue. The ordinance needs to be more specific. P&Z, the Assessor's Office, Rural Addressing, and Legal need to get together to work on the ordinance. Madam Commissioner DuCharme states that the fact is that we currently have an ordinance and we have a person who has made a request that we need to handle. There is further discussion about the ordinance with respect to issuing an address to the person who is currently requesting one. At this time Mr. Guetschow reads the entire current ordinance into the record:

ORDINANCE NO. 97-6

RELATING TO RURAL ADDRESSING, PUBLIC SAFETY, EMERGENCY SERVICE, ROAD NAMES, STREET SIGNS, ROAD MAPS AND PENALTIES.

BE IT ENACTED BY THE COUNTY COMMISSION OF TORRANCE COUNTY:

SECTION 1. SHORT TITLE

This Ordinance may be cited as the "Torrance County 91 1 Numbering/Rural Addressing Ordinance. "

SECTION 2. LEGISLATIVE INTENT

The purpose of this Ordinance is to provide a physical address, consisting of a number and road name, in predominately rural areas so that all commercial and residential structures, and platted vacant lots can be quickly found and identified by law enforcement and emergency service personnel and utility providers.

SECTION 3. DEFINITIONS

- A. "Building" includes all residential and commercial structures, and platted vacant lots.
- B. "Commission" means the Board of County Commissioners.
- C. "County" means Torrance County, New Mexico.
- D. "County Rural Addresser" means the person employed, appointed or contracted by the county who has the duty of assigning rural address numbers, directly responsible to Emergency Services.
- E. "Emergency Services" means fire, police, ambulance services, E-911 etc.
- F. "Mile Marker" means a system of mileage indicators displayed alongside county, state and federal highways which start at a zero (0) point of origin and are set at intervals of one mile.

- G. "Person" means an individual, partnership, corporation, public utility association, subdivider or land developer.
- H. "Physical Address" means the address number assigned by the Addresser, or designee, after measurements have been made on a named road.
- I. "Public Utility" includes, but is not limited to, electric, water, sewer, natural gas, telephone and cable television companies.
- J. "Unincorporated" means those areas in the County which are located outside any municipal limits or not held in trust or ownership by the Federal Government or State of New Mexico.

SECTION 4. ADDRESSING

- A. The mile marker system or rural addressing shall be used in all unincorporated areas of the County, unless that area is within an approved subdivision. Approved subdivisions are still required to be addressed, as determined by the Rural Addresser.
- B. All buildings in the unincorporated areas of the County shall be numbered according to their distance from the beginning of the road upon which the building is located, fronts or from which access to the building is provided, unless an alternate system is used. Once the address has been assigned it shall be placed in a conspicuous place forty-two inches from grade. The numbers shall be placed in a manner which is highly visible from the primary access to the property, and made of a material which is highly reflective so as to be seen clearly at night.
- C. Route Identification. The route identifier hierarchy is:
 - 1. Interstate Routes
 - 2. U.S. Routes
 - 3. State Routes
 - 4. County Roads
- D. Starting Point. The rural addressing starting point for state highways shall be according to the existing markers. All roads which provide access to more than three buildings shall begin at the point where they branch from another road. If any road loops and has both ends accessed from the same road, the starting point shall be at the lower numbered end of the access road.
- E. All public and private roads and easements which provide access to four or more lots shall be named either in accordance with the name assigned to that area, or as approved by the County. Road names shall be 17 characters or less, including spaces.
- F. The County may change road names to eliminate duplication, avoid safety concerns, or protect the health and general welfare of county citizens. Approval of name change shall require final approval of Rural Addresser and Rural Address committee.
- G. 1. Road signs shall conform to minimum standards in G, 4, and below regarding visibility size, lettering and height. Those standards shall ensure that road names and addresses are visible night or day by emergency services personnel.

2. Road names may be changed by submitting in writing, to either the County Rural Addresser or Planner, the reason or reasons for the name change and including, all property owners who use the road as primary access to their property. Signatures and addresses of each person using the roads as access must be included in the request whether they approve of the change or not. Approval of the street name changes will require a majority vote of a Committee appointed by the Board of County Commissioners. In order for a name change request to proceed, 100 % of all property owners using the road must agree to the new name.

A Committee shall be appointed by the Board of County Commissioners composed of members of the EMS, Rural Addresser, 911 Officer and the 911 Director. This Committee shall meet once a month and hear and act on all road name change requests, assignment of addresses and road names for subdivisions comprising four (4) or more lots. If the road name change is approved, it is the responsibility of the applicant to provide the new sign, installation and maintenance. The applicant shall also inform all property owners of the new name for the road once it has been approved. If the applicant is aggrieved by the decision of the Committee they may appeal the decision to the Board of County Commissioners.

3. Road signs shall be installed and maintained by the County except.
 - a. Land developer or subdivider shall submit a proposed list of road names to the County for approval. Developer, subdivider or representative must personally meet with the rural addresser. Upon approval, developers or subdividers at their expense, shall initially place road signs within the development or subdivision, at the beginning of each road, and at each cross road. Additionally there will be a \$50.00 fee for each road and cross road for sign maintenance and a \$5.00 fee for each lot. This fee must be paid prior to recording of the plat.
 - b. Residents requesting road name changes shall be responsible for the costs of replacing road signs according to a fee schedule and procedure established by the Commission.
4. The following are the minimum uniform standards for all road signs:
 - a. Ultimately four-way signs shall be placed at all intersections.
 - b. Background for signs shall be of slightly reflective, blue aluminum sheeting 0.080 inches thick.
 - c. Letters shall be highly reflective yellow and four inches in height (letters should be at least eight times more reflective than the blue background).
 - d. The signs shall be placed at least seven feet from ground level when mounted.
- H. All buildings in the unincorporated areas of the County shall be numbered. Numbers shall be assigned to all buildings by the County.
- I. Owners or occupants of all buildings in the unincorporated areas of the County shall be numbered. Numbers shall be assigned in accordance with section 4, B of this ordinance.
- J. Numbers placed shall conform with the approved color and size specifications.

- K. Numbers shall be permanently placed and maintained in a location clearly visible from the road upon which the building is located.
- L. The County shall keep an official map showing the number of each building in the unincorporated areas of the County.

SECTION 5. ADMINISTRATION OF ORDINANCE

- A. The County Commission shall have the authority to employ, appoint or contract with a competent person or agency for rural Addresser. The Commission shall have the authority to hire, appoint, or contract with additional rural addressers as necessary.
- B. The Rural Addresser shall be responsible for the administration of this Ordinance.

SECTION 6. PROHIBITIONS

- A. No land development permit shall be issued until rural addresses have been approved.
- B. Only persons authorized by the County may install road name signs.
- C. No person not authorized by the County shall remove, alter, change or otherwise deface a road name sign or physical address.
- D. No person shall install or cause to be installed any utility service, including, but not limited, to electric, gas, water, sewer, telephone or cable television or any building required by this ordinance to be assigned an address without first receiving a development permit and address.
- E. Profane road names are prohibited.

SECTION 7. PENALTIES

Any person who violates any section of this Ordinance shall be guilty of a misdemeanor and may be punished by a fine not exceed Three Hundred Dollars (\$300.00) or by imprisonment in the County Jail for a term not to exceed Ninety (90) days, or both such fine and imprisonment.

SECTION 8. SAVINGS CLAUSE

In the event any part of this Ordinance is held to be unconstitutional, the other parts shall remain unaffected and in force.

SECTION 9. REPEALING CLAUSE

All other conflicting Torrance County Ordinances relating to rural addressing are hereby repealed.

SECTION 10. VARIANCE

The Board of County Commissioners may approve a variance to the requirements of this Ordinance provided that granting of the variance will cause no significant hazard, annoyance or inconvenience to the owners of nearby property or Sheriff's Department, BMS and Fire.

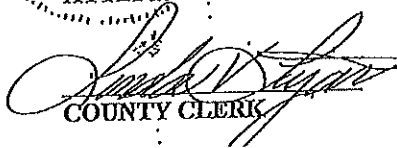
PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF DECEMBER, 1997.



BOARD OF COUNTY COMMISSIONERS
TORRANCE COUNTY, NEW MEXICO


BILL WILLIAMS


RODGER RAYNER


COUNTY CLERK


CHESTER RILEY, JR.

Mr. Sedillo suggests allowing P&Z, Rural Addressing, and the Assessor's Office to handle these requests on a case by case basis. In this way, if there is a problem that needs to be addressed by the Commission, the request and response would be in writing for Commission review. Madam Commissioner DuCharme disagrees with this suggestion because it could take the authority away from the Commission on these requests and it could bring the possibility of a lawsuit by persons believing that they are being treated unfairly. Mr. Sedillo also suggests that we should be asking persons requesting an address what their specific intents are. Madam Commissioner DuCharme asks if the person who is currently requesting a physical address can apply for a variance and what the process is. Mr. Guetschow states that the fee will be \$200.00 and he outlines the process. Madam Commissioner DuCharme asks Mr. Huss if he sees any potential for a lawsuit in this instance. Mr. Huss replies that the only claim that this person could file would be a petition for a Writ of Mandamus from the District Court asking that the court order the County to give him an address. There would be no other lawsuit without a specific cause of action. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to allow Mr. Vince Martin to receive an address for his property as requested. There is no second. **MOTION DIES.**

8. Lease with the Town of Estancia for the Fairgrounds Ms. Ansley speaks. The Commission has been presented with a proposed lease of the County Fairgrounds property. As was previously discussed, the term of the existing lease is due to expire. Mr. Wallin has redrafted a 99 year lease. The Town of Estancia and the Town's legal counsel have already reviewed this proposed lease. Estancia

Mayor Sylvia Chavez is in attendance at today's meeting to answer any questions the Commission may have of her. This is essentially the same lease we have already had, it's just for an extended period of time. Madam Commissioner DuCharme asks when the current lease expires. It expires on July 31, 2019. Mayor Chavez states that because one of the recent GO bond questions concerned the Fairgrounds, the Town and the County went into negotiations on the lease to insure that it would be in place for the extended period of 99 years. A few minor revisions were made between the County Attorney and the Town of Estancia Attorney. The Board for the Town of Estancia supports this lease. Mayor Chavez is not sure why the current lease was not for 99 years; she was not the Mayor at the time that the current lease was signed and approved. Madam Commissioner DuCharme asks who put this item on the agenda. Ms. Ansley replies that she put the item on the agenda at the request of Mr. Wallin and Mayor Chavez. Mayor Chavez comments that she was asked by Mr. Wallin if there were any changes to the current lease that the Town would like to see. Mayor Chavez states that the Town requested that there be a change to the lease concerning who would be responsible for the maintenance of the grounds. The Town requests that the maintenance of the Fairgrounds be the sole responsibility of the Fair Board.

Mayor Chavez states that when the Town considers the Fairgrounds, they don't think of it as the Town's property; they think of it as the property for the Fair- for the kids. She states that her understanding is that the rationale for revisiting this lease was to insure that it could be in place for the next 99 years; not that there were problems with the current lease. Madam Commissioner DuCharme asks why we are revisiting the lease at this time and not closer to its expiration date. Mayor Chavez reiterates that she believes it was because of the GO Bond question. Madam Commissioner DuCharme states that this item is now on the agenda after the GO Bond election is over. Mayor Chavez explains that the request for items to be on the Commission agenda was prior to the GO Bond Election Day. Madam Commissioner DuCharme states that now this item is irrelevant, because the election is over. Commissioner Frost comments that a 99 year lease will protect the Fair Board from losing any improvement that might be made to the Fairgrounds in the future. Madam Commissioner DuCharme comments that having one Commissioner who will only be in this position for a little over 4 months making a decision for the County that will affect many generations to come, when we have three more years on the current lease, is highly inappropriate. Chairman Candelaria comments that he sees the benefit of a long term lease with respect to future requests for capital outlay funds. Madam Commissioner DuCharme asks about an escape clause for this lease. Mr. Huss comments that he does not see a direct termination provision in the lease. Chairman Candelaria states that he sees nothing

but benefit in this lease. After some discussion the Commission decides to add an escape clause into the lease. All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to accept the lease with the Town of Estancia for the Fairgrounds for 99 years with the addition of a 90 day escape clause for both parties. Commissioner Frost seconds the motion. No further discussion. The Commission votes; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED.**

9. Resolution 2016-38 Supporting PILT & SRS Funding Ms. Ansley speaks. She presents Resolution 2016-38 Encouraging the United States Congress to fully fund the Payment in Lieu of Taxes (PILT) Program as a mandatory program to the Commission. Madam Commissioner DuCharme asks why there is no mention of SRS funding in the resolution. Ms. Ansley is not sure why SRS Funding was not included. Ms. Cabber comments that she believes the SRS Funding should be included. Ms. Ansley will look into this and asks for the corrected resolution. 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**

10. Update

Ms. Ansley presents the following written update:

Manager's Report

August 24, 2016

1. I was contacted by a landowner of 220 acres in Estancia. She asked if the County was interested in purchasing the land. I told her I'd bring it up and see if the Commission is interested.
2. September 1 is quickly approaching, which means the tax rates must be set. Because the 2001 GO Bond has matured and the two recent bond questions passed, the mill levy has to be set reflecting this change. The levy had to be submitted to DFA on Monday. After discussions with County Elected Officials, staff, bond council and the financial advisor, we selected the option to maintain the current tax rate (1 mil or \$1.00) for 4 years, with a reduction to .4 mil, or \$.40 for the remainder of the term. This would allow

the County to opt for another election in 4 years, if the need arises. This seemed to be the most sensible option.

3. According to Bond Council and the Financial advisor, our next decision needs to be whether this Commission wants to move forward with issuing bonds for the BO Bond projects, or wait until the new Commission takes over. If we pursue the issue now, we can close by mid-November, but we have to get on the agenda for the September NMFA Board meeting and the application deadline is Friday. We'll have to submit an application resolution to do that. If the Commission wants to proceed, I can draft a resolution for the NMFA application and the Commission can ratify it at the Sept. 14 meeting. After NMFA approval, the Commission will then act on a bond ordinance. The timeline will be tight, but it can be done, so we need some direction on what the wishes are at this time. *(This item will be put on the next agenda for discussion and possible action)*
4. I received a letter from the Tajique Land Grant regarding the transfer station in Tajique. They are officially requesting the County relocate the transfer station to the proposed property on Highway 55 and Camino Del Norte. I need to know whether the Commission needs to take responsibility for this move, or the EVSWA. It is in our contract with EVSWA that we provide land for a transfer station in Tajique. The land grant also wants compensation for this property, or \$3000 per year. Unfortunately, the property that the existing transfer station is on did belong to the County and we didn't have to pay a lease on it. We donated that property to the Tajique land grant. They're now asking that we move to a different location, which we will have to pay for. *(This item will be put on the next agenda for Commission discussion and possible action)*

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.

Michael Godey, Tajique resident, speaks. There will be a Neighborhood Watch meeting on Sunday at 3:00 pm at the community center. They will be discussing several items including when to plan the Neighborhood Clean-up. All are encouraged to attend.

Hank Van Es, McIntosh resident, speaks. He comments on the recently approved ICIP list. No.1 on the list is a new cell for the Regional Landfill. He finds it curious that the County would put this on their list in light of the fact that the EVSWA has

their own capital improvements list. He notes that Mr. Ellis, former EVSWA Manager, allocated \$50,000.00 of their funds for their own landfill development fund. If they have a fund, why is it on the County ICIP? As the EVSWA is a JPA, Mr. Van Es asks if the other entities of the JPA included the landfill on their ICIPs.

Fred Sanchez, Tajique resident, speaks. He comments about the Tajique Land Grant requesting the relocation of their transfer station. He states that there might also be a problem with the road there. He questions whether the road, Camino Del Norte, will be able to handle the heavy equipment that will be traveling there in the station is moved.

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:

- a) Deliberations regarding administrative adjudicatory proceeding of appeal of Planning & Zoning Directors' interpretation of the Torrance County Zoning Ordinance; Filippi, et at. Section 10-15-1(H) (3).

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

Executive session starts at 12:17 pm.

***Reconvene from Executive Session**

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

- b) **Consider and Act upon, if necessary**

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.**

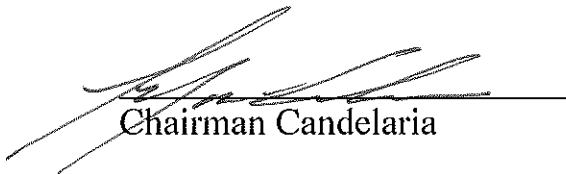
Regular Session reconvenes at 1:12 pm.

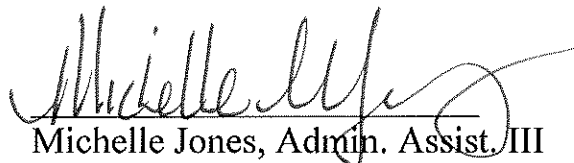
Chairman Candelaria states that during Executive Session the Commission heard information about the trial re: Filippi and discussed the deliberations that they are going through. He states that as a Commission, a decision needs to be made now in Open Session. They are going to give instructions on procedures that are going to be followed by our County Attorney to proceed in the case.

ACTION TAKEN: Chairman Candelaria makes a motion that the Commission appeal to the Court of Appeals for a decision. Commissioner Frost seconds the motion. Commissioner Frost states that this motion is made in an effort to make a final decision, "that we'll live with whichever happens". No further discussion. The Commission votes; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED.**

***Adjourn**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the August 24, 2016 Commission Meeting. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 1:15 pm


Chairman Candelaria


Michelle Jones, Admin. Assist. III

9/14/16
Date

The video of this meeting can be viewed in its entirety on the Torrance County NM Website. Audio discs of this meeting can be purchased in the Torrance County Clerk's Office and the audio of this meeting will be aired on our local radio station KXNM.