

Final Copy
Torrance County Board of Commissioners
Commission Meeting
September 28, 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 –Admin. Assist. III

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. Charmen Padilla, from the Torrance County Project Office Home Visiting Program, gives the invocation.

Approval of the Meeting Minutes:

Chairman Candelaria asks for a motion to approve the September 14, 2016 Regular Commission Meeting minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the September 14, 2016 Regular Meeting Minutes. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Agenda:

Chairman Candelaria states that today's agenda item #15 will be heard first. He asks for a motion to approve today's Meeting Agenda with this change. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve today's Commission Meeting Agenda. Commissioner Frost 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. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme asks about invoice #6091916 in the amount of \$22,997.28 to Moriarty Concrete Products for 1300 chips for SB project to chip seal Melody Ranch. Ms. Trish Chavez from the Road Department confirms this that this is a state project. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Indigent Claims:

Chairman Candelaria asks for a motion to approve the Indigent Claims, which currently total \$3,745.04 and are for inmate medical expenses. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Indigent Claims. 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:**

15. Violation of Certificate of Non-Conformance by Zoning Officer and subsequent Court action resulting in false charges and conviction. Request that the Commission review the ordinances and the officer's actions and remedy the situation if possible- Dennis J. May, JMD Enterprises Mr. Wallin, County Attorney, speaks. He advises the Commission that this matter has been in criminal court and is a court related matter. He advises the Commission to be cautious about their commentary and states that they may have to go into closed session to fully discuss this matter. Mr. Wallin also states that he has advised the P&Z employees and the Code Enforcement Officer not to make any comments about this matter today because it is a litigation matter.

The Commission has been provided with documentation concerning the recent judgement and sentence involving Mr. May.

Madam Commissioner DuCharme asks Mr. Wallin what kind of authority the Commission has in this matter. Mr. Wallin replies that, in this specific case, the Commission has no authority to do anything. The Commission can amend County ordinances if they feel the need to do so. Mr. Wallin states that this was a criminal matter based on our solid waste ordinance and that we, (the County), have been dealing with Mr. May for years. He states that this matter went up from Magistrate Court to District Court on appeal. The District Court Judge visited the site. There was a trial and the District Court Judge affirmed in part and reversed in part some of the decisions and sent the case back to Magistrate Court to enter the judgement, which is what the Commission has before them today.

Mr. Dennis May comes before the Commission to make a brief comment about this matter. He states that this (matter) has been going on for several years. He received a citation in 2005 and he erected a privacy fence per the direction of the then Zoning Officer, Mr. Ledbetter. He received another citation in 2008 and again in 2014. He states that he presented Mr. Ledbetter with his certificate of non-conformance that the County has issued him in 1990 when the solid waste ordinance was originally passed. A section of that ordinance states that if a use of land or business currently exists, then it is grandfathered and it is considered immune to amendments. Mr. May states that he tried to bring this up to Mr. DeCosta in a letter. He states that when he presented his certificate of non-conformance to Mr. Ledbetter, the matter was dropped.

He states that several additions have been made to ordinance 90-3. In 1994, the County amended it to include salvage yard. It was amended again in 2001 adding salvage vehicles. At that time, Mr. May states that he was still running his business and had 5 licensed drivers, all with vehicles. He had two service trucks, two service cars, and his collection of vehicles under motor vehicle code 66-11, which allowed him to collect vehicles that he might be restoring or driving.

He states that his property resides on land designated as 'PL' Preplatted Lands District and that 'PL' districts don't comply with current zoning or environmental regulations. He states that the lots are too small; they're jammed together, and that is where he resides and where he has his certificate of non-conformance. He states that when he got to court, he was charged under 'RR' Rural Residential zoning. He states that this is large lot agricultural, and that this portion went all the way through the court process. He states that he explained to both judges that he does

not live in a Rural Residential area; he resides in a 'PL' district and has a certificate of non-conformance to operate in those Preplatted lands and that his certificate states that he is allowed to store services company equipment.

Mr. May states that at this point he does not know what else to do except to come before the Commission and ask for a letter, or something that he can give the court, to say that yes he is in Preplatted lands, he has a certificate, and he is in compliance with the ordinance. He states that he can't convince the court and that he has been told that he is already at the sentencing portion of his trial. He states that he has come before the Commission today to present this information for the Commission to consider and answer any questions they may have and see if there is anything the Commission can do to protect his certificate of non-conformance, protect his property, and his business equipment before zoning comes in with bulldozers and hauls it all out. He states that he is facing jail time and huge fines.

At this time, Mr. Jim Summers, former County Commission Chair, speaks. He states that he signed the original ordinance and that the process of creating this ordinance was not an easy one. He further states that when they passed this ordinance, it was not to put anyone out of business or to change anyone's way of life; it was to protect what was there. He states that words, and laws and ordinances mean something. And if this man has a variance on the property that he has, it should be honored. It shouldn't be something that you can jerk out from under his feet in the future, should you decide that things need to change, unless he has done something very egregious, which is not the case- he is in business. Maybe he does not have the kind of business that someone would like to have run in their backyard, but it is a business nonetheless that has supported him. Mr. Summers states that he would like to see this Commission stand up and tell the court that this was wrong and should not have ever happened; let the man go, leave him alone and don't bother him in the future either.

Madam Commissioner DuCharme asks Mr. Summers to explain the certificate of non-conformance. Mr. Summers states that he too has a certificate of non-conformance for his business. He explains that basically if you have something that does not comply with the zone that you are in, you have to go through the process of getting the neighbors and everyone in the surrounding area to agree to allow that to be there. Mr. Summer states that Mr. May was in compliance with the zone ordinance and it makes no sense to him that someone can come in later and try to change the law for somebody's benefit. Madam Commissioner DuCharme asks Mr. Summers who issued the initial certificate to Mr. May. Mr. Summers states that it was Planning and Zoning and now they are refusing to recognize it. Madam

Commissioner DuCharme asks why the courts are refusing to recognize it. Mr. Summers states that it is because, “an over ambitious zoning officer went in and said this is the way it is.”

Mr. Wallin states that Mr. May has the right to an appeal. He further states to the Commission that this matter is not how Mr. May has stated it. He states that this is not a matter of being overzealous- the County has bent over backwards for Mr. May. A District Court Judge has viewed his property and made a decision. This matter has been litigated. The Commission can discuss it in close session if they wish. He states that, “Mr. May was given a certificate of nonconformance to operate a video business and he has greatly exceeded that certificate and has created an accumulation of solid waste that is greatly in excess of anything that anyone in this County would want to see”.

Madam Commissioner DuCharme states to Mr. May that he has the option to go to the Appellate Court, why hasn't he done that? Mr. May replies that it is mostly a matter of money; in order for him to protect his business and assets from the County, he would have to sell them to hire an attorney. He also states that the charges that were filed against him do not match the zoning regulations. He states that everything on his property is related to his business; what he is calling reusable materials is what Mr. Wallin is calling solid waste. All documentation hereto attached. **NO ACTION TAKEN.**

1. Updates:

Berta Espinosa-Moore, Torrance County Home Visiting Program Manager, speaks. She and her employees give the Commission an update on the Home Visiting Program. Their grant amount for this year is \$160,000.00 to provide services to 40 families. The services that they have provided to families have remained stable. In July, they provided services to 30 families and completed 60 home visits. In August, they provided services to 32 families and completed 69 home visits. So far in September, they have provided services to 28 families and completed 47 home visits. On average last year, they provided services to 30 families per month and completed 61 home visits per month. She states that the home visiting program is not just for families with children with higher needs, rather it is a free volunteer program for anyone in the community who wants to learn more about their children and child development. The home visiting program provides informational, educational, developmental, referral, and other supportive services to families who are either expecting a baby or who have children under 3

years old. The program is voluntary. It is not income based and there are no other specific requirements or needs for a family to enroll and a family can quit the program at any time. The program promotes child wellbeing, universal safety, and prevention. They are currently using the 'Parents as Teachers' curriculum; an evidence based model recognized nationwide. They are currently a 'Parents as Teachers' Affiliate program.

During home visits, the Home Visitors deliver child development information, administer child development screenings, and provide a fun parent/child activity. The Home Visitors always explain to the families why the activity is important for brain development and school readiness. All of the families in the program are encouraged to set goals that align with the New Mexico Home Visiting Program outcomes. Some of these goals include:

- Expecting mothers to attend all prenatal appointments
- Mothers who experience postpartum depression to receive appropriate treatment
- To keep up with immunizations and preventative medical appointments
- For parents to learn how their children develop so as not to have inappropriate expectations
- For a parent to obtain a higher education
- To get children enrolled in early head start

At this time, each of the TC Home Visiting employees tells a little more about the numerous positive and essential impacts and aspects of the program.

Chairman Candelaria asks of the Home Visiting Program uses our local radio station for outreach. Ms. Espinosa-Moore replies that they have in the past and intend to in the future.

Linda Jaramillo, County Clerk, gives an update about the upcoming General Election. October 11 is the close of registration; if you need to register, make sure to register before that day. October 11 is also the first day of Early Voting. Once Early Voting begins campaigning is not allowed within 100 feet of this building- the Torrance County Administrative Offices.

Tracey Master, DWI Prevention Program Coordinator, speaks. Mr. Jeff Worley is the new driver for the Smart Choice Ride Program. Ms. Master is a

member of the Partnership for a Healthy Torrance Community and will be giving a presentation to the Moriarty City Council on Suicide Prevention this evening. She informs the Commission that she was notified by DFA that her funding has been decreased again by \$15,674.00. She has worked with the County Manager's Office to try to make some cuts. The new phone number for her program is 505-705-0332; the Smart Choice Ride number. She will reduce her travel and supplies budget. The overall reduction for this year is \$32,997.00. Her budget for FY16 was \$180,024.00 and her budget for FY17 is \$147,027.00.

Steve Guetschow, Planning & Zoning Director, speaks. Last week Mr. Guetschow attended the NM Floodplain Manager's Association Fall Conference. There was a lot of great discussion and presentations regarding the Dog Head Fire and what difference agency's courses are in relation to that. Also, the Soil and Water Conservation District, in cooperation with NRCS, has been doing some mitigation measures up on the private lands in the burn scar area. Mr. Kenneth Branch, a Natural Resources Specialist with the NRCS, reported to Mr. Guetschow that they have completed the financing portion of their work and they are now in the survey stage and entering the construction stage. They have also already completed their contractor bidding stage. Their mitigation includes:

- Diversions and pondings to filter the silt from the storm water runoff.
- Constructing puke tanks and rock and brush structures to hold silt upstream
- Hand broadcasting grass seed mixtures and masticating forest materials for reuse as mulch

NOAA has supplied us with the TADD signs- (Turn Around, Don't Drown) for the crossing on Peacock Road where flood water had crossed with silt and debris from the burn scar area. The Road Department install these signs last week.

Commissioner Frost has no update today.

Madam Commissioner DuCharme states that she read in our local newspapers that the Estancia Valley Classical Academy is leaving Torrance County and moving to Edgewood. They are planning to build a facility and will invest several million dollars there. We have some successes here in Torrance County but we need to figure out why some businesses think it's better to leave and make their investments elsewhere.

Chairman Candelaria speaks. He informs all that there is going to be a Naturalization Ceremony held on the afternoon of October 13 in Punta de Agua at the Quarai Mission Ruins. This will be sponsored through the National Park

Service in Mountainair. Ms. Jaramillo, County Clerk, will be in attendance to register the new citizens to vote.

2. Lease Contract between Torrance County and Ricoh- Linda Jaramillo

Ms. Jaramillo speaks. This is the contract between Ricoh and the Clerk's Office for a new copier. The lease for the old copier has expired. The old lease charged \$250.00 a month; this new lease will charge \$223.00 a month. Ms. Olivas has reviewed the lease. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Lease Contract between Torrance County and Ricoh. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks Ms. Jaramillo if she is comfortable with this lease contract. Ms. Jaramillo replies that she is; she has been working with Ricoh for 19 years and is satisfied with the terms of this new lease. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

3. Request Approval of Juvenile Adjudication Fund Grant Agreement

Project No. 17-J-31- Tracey Master, DWI Prevention Coordinator Ms. Master speaks. This is the Juvenile Adjudication Fund Grant Agreement No. 17-J-31. It is in the amount of \$5,263.00. The grantor is the NMDFA, Local Government Division- Special Programs Bureau. This is the exact same agreement as last year. The reporting is done quarterly and there is an in-kind match. The grant committee has reviewed this agreement. All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to approve the Juvenile Adjudication Fund Grant Agreement Project No. 17-J-31. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks about the in-kind match. Ms. Master explains that there is a 10% in-kind match requirement. The budgeted in-kind well exceeds this requirement. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

4. Request Out-of-State Travel to Attend EForce Conference in Utah- Ben Daugherty, Dispatch Supervisor & Stephanie Dunlap, Sheriff Administrator

Mr. Daugherty and Ms. Dunlap are here to request approval of out-of-state travel to go to Logan, Utah to attend the EForce Users Conference. They recently purchased the EForce system for computer aided dispatch and record management software. This is a great opportunity for them, as administrators, to get facetime with the designers and developers and learn the ins and outs of the system and maximize their investment in this software. They do have the funds in their budget

for this travel. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Out-of-State Travel for Stephanie Dunlap to attend the EForce Conference in Utah. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme asks how much this will cost. The registration fee for the conference is \$995.00 each plus per diem and travel expenses to drive to and from Utah. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED.**

5. Ratify Out-of-State Travel of Sheriff White to Quantico, VA to Attend Narcotics Training- Stephanie Dunlap, Sheriff Administrator Ms. Dunlap speaks. She is asking for ratification for the Sheriff who traveled to Quantico Virginia to attend a narcotics training at the FBI academy. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to ratify the request for Out-of-State travel for Sheriff White to attend a Narcotics Training in Quantico, VA. Commissioner Frost seconds the motion. Madam Commissioner DuCharme comments that only one person from each state was chosen to attend this training. For New Mexico, it was our own Sheriff White. Thanks to Sheriff White for making us proud. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

6. Request Payment of Invoice for Purchases made without following Procurement Procedures:

- a. Veterinary Diagnostic Services- Danette Mead, TC Animal Shelter Supervisor** Ms. Mead states that she is requesting payment of an invoice to Veterinary Diagnostic Services for rabies testing on a dog bite case. Ms. Mead states that she generally keeps an open purchase order, but she had closed it out at the end of the fiscal year budget. The amount of the invoice is \$25.00. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve payment of the invoice for Veterinary Diagnostic Services. Chairman Candelaria seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED.**
- b. Items Purchased- Hanna Sanchez, Fire Chief Administrative Assistant** Ms. Sanchez asks for payment of an invoice to Honstein Oil from 2014. The amount of the invoice is \$114.11. Items were purchased on the Holstein card that were not allowed (batteries and

windshield wiper fluid). All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve payment of the invoice to Honstein Oil for items purchased. Madam Commissioner DuCharme seconds the motion. Now that Ms. Sanchez is in her position as Fire Chief Admin., she can work to insure that this kind of error does not happen again. The Commission votes; all in favor, none opposed. **MOTION CARRIED.**

- c. Invoice amount exceeds Purchase Order Threshold- Cheryl Hamm, District 2 VFD** Ms. Sanchez and Fire Chief Don Dirks present this item. Ms. Sanchez states that they are requesting payment to Two Gunz Customz Hydrographics for an amount that exceeded the purchase order threshold of \$2,500.00 by \$600.00. This was an unexpected overage for work done on a command trailer and the work has already been done. Mr. Wallin states that the Commission does have the authority to approve this overage. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve payment of the invoice amount that exceeds the purchase order threshold. Chairman Candelaria seconds the motion. The County owns the command trailer and it is available for use by all the Torrance County Fire Departments. The Commission votes; all in favor, none opposed. **MOTION CARRIED.**

7. Resolution 2016-41 FY2016/16 Extension CAP Including Letter- Leonard Lujan, Road Superintendent Ms. Trisha Chavez, Road Department

Administrator, speaks. The Road Department is asking for an extension so that they can go out for bid on fog seal oil to fog seal the roads on their CAP projects. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2016-41 FY2015/16 Extension CAP including letter. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED.**

8. Resolution 2016-42 FY2015/16 Extension SB Including Letter- Leonard Lujan, Road Superintendent Ms. Trisha Chavez, Road Department

Administrator, speaks. The Road Department is asking for an extension so that they can go out for bid on fog seal oil to fog seal the roads on their SB projects. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve Resolution 2016-42 FY2015/16 Extension

SB including letter. Commissioner Frost seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED.**

9. Resolution 2016-43 FY2015/16 Extension SP Including Letter- Leonard Lujan, Road Superintendent Ms. Trisha Chavez, Road Department Administrator, speaks. The Road Department is asking for an extension so that they can go out for bid on fog seal oil to fog seal the roads on their SP projects. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2016-43 FY2015/16 Extension SP including letter. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED.**

Madam Commissioner DuCharme takes this opportunity to thank the Road Department for their hard work.

10. Request Additional Monies for the Home Visiting Program- Berta Espinosa-Moore, TCPO Home Visiting Ms. Espinosa-Moore speaks. She is here to request that the Commissioners consider granting the Home Visiting Program additional monies. They received \$160,000.00 for this fiscal year. After reviewing the budget, she realized that they are \$15,000.00 short. They have already taken measures to cut back. They have cut back on their hours, vehicle usage, and their phones. Without these additional funds, the Home Visiting Program will suffer as they will be short operating costs. They will not be able to use the Parents as Teacher curriculum and will not be able to afford the Parents as Teachers Affiliate fees. This curriculum is essential to their program. The car seat program will also suffer without these additional funds.

Ms. Espinosa- Moore also asks the Commission to approve the budget that she has presented to them today. CYFD has allowed the program to invoice for July and August, however they informed Ms. Espinosa-Moore that the program will not be able to invoice again until she submits a budget to them that is aligned with what the program needs to operate. The previous budget that was submitted did not reflect enough money to operate. Invoicing to CYFD must occur by the 10th of each month. The budget Ms. Espinosa-Moore has presented does include the additional \$15,000.00 that she is requesting today. Chairman Candelaria asks if the

County has funds available. Ms. Ansley replies yes, there are available Wind PILT dollars if the Commission wishes to allocate them. Ms. Espinosa-Moore reviews the proposed budget for the Commission, which is included in the file for this meeting. She explains the shortfall stating, among other things, that former directors of this program allocated funds in good faith, but possibly not wisely. She talks about their outreach efforts. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve an additional \$15,000.00 for the Home visiting Program. Chairman Candelaria seconds the motion. Commissioner Frost asks for confirmation that there are funds available from the Wind PILT. There are and another check is coming in December. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

11. CRI Memorandum of Understanding – Javier Sanchez, Emergency Manager Mr. Sanchez speaks. This is the recurring Cities Readiness Initiative MOU between the NM Department of Health and Torrance County. The total amount for this MOU is \$11,000.00. The MOU, which is included in the file for this meeting, outlines the scope of work, deliverables, budget, etc. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the CRI Memorandum of Understanding. Commissioner Frost seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

12. Ratify Sub-Grant No FEMA -4152-DR-NM-03-V2- Javier Sanchez, Emergency Manager Mr. Sanchez speaks. This item regards the revision of the County's Hazard Mitigation Plan. The plan is complete, however it is still under review by FEMA. This review may take up to 6 months, so Mr. Sanchez was advised to request an extension. The extension was approved and this is the new Sub-Grant Agreement that shows the new termination date of the grant- September 7, 2017. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to ratify Sub-Grant No. FEMA-4152-DR-NM-03-V2. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme states that a few months ago there was a question about Mr. Sanchez and a possible violation of the Hatch Act. She asks Mr. Wallin if there is any violation here as Mr. Sanchez is running for County Commissioner. Mr. Wallin replies that there is no violation. No further discussion. The Commission votes; two in favor, none opposed. **MOTION CARRIED**

13. Request Maintenance on Vigil Road- Earl Nieto, Resident Ms. Ansley speaks. Mr. Nieto 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**

14. Approval of FY17 Partnership for a Healthy Torrance County Membership- Billie Clark, Partnership for a Healthy Torrance Community
 Ms. Clark speaks. The Partnership for a Healthy Torrance Community is the Community Health Council; they serve Torrance County and the area served by the Moriarty Edgewood School District. They serve as the DWI Planning Council, they are the coalition for the OSAP total community approach prevention grant, and they support the school health advisory councils. They are housed at the DWI Memorial and they are advisors for the Home Visiting Program and the Domestic Violence Program. She lists some of the Partnerships many accomplishments and reads the Partnerships membership into the record as listed below:



PHTC Membership ~ July 1, 2016

<u>Officers</u>		<u>1 Year Term</u>
Chair:	Mark Clark, DOH Northwest Region	7/1/2016 - 6/30/2017
Vice-Chair:	Gail Falconer, Member-At-Large (Estancia) & Behavioral Health Planning Council	7/1/2016 - 6/30/2017
Secretary:	Tracey Master, Torrance County DWI Program	7/1/2016 - 6/30/2017
<u>Voting Members</u>		<u>2 Year Term</u>
Angela Coburn	PMS Esperanza Family Health	7/1/2016 - 6/30/2017
Art Falconer	Member-At-Large (Estancia)	7/1/2016 - 6/30/2018
Art Swenka	KXNM Community Foundation, EBRA	7/1/2016 - 6/30/2018
Bill Hines	NM Department of Vocational Rehabilitation	7/1/2016 - 6/30/2017
Danielle Berrien	NMSU, Torrance County Cooperative Extension Svc	7/1/2016 - 6/30/2018
Debbie Ortiz	Perpetual Tears Memorial/ United Prevention	7/1/2016 - 6/30/2018
Gail Falconer	Member-At-Large (Estancia), Behavioral Health Planning Council	7/1/2016 - 6/30/2018
Janet Travis	Care Net East Mountain Pregnancy Center	7/1/2016 - 6/30/2017
Leanno Tapia	Member-At-Large (Moriarty), Shorty's Bar Be Cue	7/1/2016 - 6/30/2017
Lucia Lucero	Teen Court / Prevention	7/1/2016 - 6/30/2017
Mark Clark	DOH Northwest Region	7/1/2016 - 6/30/2018
Patricia Lincoln	Member-At-Large (Tajique) / UWCNM Policy Comm	7/1/2016 - 6/30/2018
Rhoda Geduld	Member-At-Large (Moriarty), KXNM, RWAL	7/1/2016 - 6/30/2017
Tracey Master	Torrance County DWI Program, United Prevention	7/1/2016 - 6/30/2017
Trish Daino	Private Mental Health Therapist	7/1/2016 - 6/30/2017

<u>Non-Voting Members</u>		<u>Term N/A</u>
Audrey Rodriguez	Member-At-Large (Estancia)	N/A
Billie Clark	PHTC Coordinator/ PTMI/ United Prevention	N/A
Jeanne Wellerman	Rio Grande Valley CASA	N/A
Jenea Ortiz	Tri-County Juvenile Justice Board	N/A
JoAnn Del Curto	Torrance County Counseling	N/A
Michelle Skrupskis	DOH Northwest Region	N/A
Susan Acosta	DOH Office of School & Adolescent Health	N/A
Susan Bunnell	Member-At-Large (Mountainair)	N/A
Natalie Romero	Moriarty-Edgewood School District	N/A

Ms. Clarke now requests Commission approval of the membership. The Perpetual Tears Memorial Board has already approved it earlier this month. Ms. Clarke will be back next month to give the Commission the results of their latest assessment regarding substance abuse in the County. All documentation hereto attached.

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to approve the FY17 Partnership for a Healthy Torrance County Membership. Commissioner Frost seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

16. Memorandum for Water Planning Amendment #8 Ms. Ansley speaks. The Commission approves this amendment each year. It is an amendment to the original MOU for the coordinated water resource planning in the Estancia Basin. The only change the amendment makes is to include the allocation of \$10,000.00 per year from Santa Fe County. All of the member entities are asked to approve this amendment. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Memorandum for Water Planning Amendment #8. Chairman Candelaria seconds the motion. Madam Commissioner DuCharme asks if Torrance County contributes to this committee. Ms. Ansley replies that we don't; we write the check for secretarial services, but those funds come from grant funding. We sign off on this because we are a party to the original MOU. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

17. PMS Insurance Contract Rates for 2017 Ms. Ansley speaks. This is the documentation that Rydeski and Company submitted to us for the insurance rates for the 2017 calendar year. In the price agreement, there is a 6% increase in the insurance. The last page of the packet that Ms. Ansley presented to the Commission is an insurance pricing sheet for State Risk Management. They actually had a 0% increase this year, but our rates are still significantly lower than what the States are. All documentation hereto attached. **ACTION TAKEN:**

Chairman Candelaria makes a motion to approve the PMS Insurance contract rates for 2017. Commissioner Frost seconds the motion. Madam Commissioner DuCharme states that she cannot vote on this right now; she needs more time to review the documents. No further discussion. The Commission votes; two in favor, Madam Commissioner DuCharme abstains. **MOTION CARRIED**

18. Amendment 1 to Service Agreement with PMS for Senior Vehicles Ms. Ansley speaks. This is an amendment to the Master vehicle use agreement between Torrance County and Presbyterian Medical Services. This vehicle use agreement was approved in 2015. PMS applies for their own capital outlay dollars to purchase their own senior transport vehicles, but Torrance County owns the vehicles; the allocations are Torrance County's. PMS has always maintained the insurance and the maintenance of these vehicles, but in light of PMS having budget cuts this year, Torrance County agreed to take over some of these costs. This amendment clarifies that Torrance County is now responsible for the repair and maintenance for their five county owned vehicles. All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to approve Amendment 1 to the Service Agreement with PMS for the Senior Vehicles. Commissioner Frost seconds the motion. Madam Commissioner DuCharme states that Commissioner Frost, being an employee of PMS, should recuse himself from this matter. Commissioner Frost states that yes, he is an employee of PMS, but he will not benefit personally from this amendment and will not recuse himself. Mr. Wallin clarifies that the question is not whether he or Madam Commissioner DuCharme sees a conflict here, but whether Commissioner Frost sees a conflict of interest and he has explained that he does not. Madam Commissioner DuCharme states that she believes that Commissioner Frost benefits directly from this as he is an employee. She asks Ms. Ansley who drafted this amendment. Ms. Ansley answers that the Commission negotiated this cost sharing with PMS in a public meeting and PMS drafted the amendment. Madam Commissioner DuCharme states that she remembers that the Commission agreed to give PMS \$30,000.00 for meals, but she does not remember agreeing to be responsible for repair and maintenance. Ms. Ansley clarifies that the Commission did not agree to pay for meals, but rather to pay for operational costs, which included utilities, vehicle costs, and whatever else they needed to run their programs of delivering meals and providing senior services. Madam Commissioner DuCharme states that she believes that it was only agreed to for one year. Mr. Wallin states that he will have to look at the term of the contract. The contract does have a termination agreement on page 4. It appears to have an indefinite term, but with a termination clause. In essence, with this amendment, the County would be agreeing to be responsible for repairs and

maintenance for the vehicles for the entire term of the master contract. Madam Commissioner DuCharme states that this is not what the Commission agreed to. She asks if, while giving them \$30,000.00, it is necessary to make this agreement. Can it be formulated in some other way and only for one year? Mr. Wallin replies that yes, it can be formulated differently and it can include language about a term of one year. Mr. Wallin reminds the Commission that the consideration for this is that PMS provides health care services for indigent residents of our County. Madam Commissioner DuCharme states that there is no mention of the \$30,000.00 in this amendment and she doesn't think it will be beneficial to the County to approve this amendment. Chairman Candelaria states that it is for the benefit of the people that depend on this program to bring them their meals. If one of these vehicles breaks down and we don't have an agreement in place to fix them, the citizens will suffer. Commissioner Frost agrees. Madam Commissioner DuCharme states that she is not questioning the value of this program; she wants to protect the interests of the County. She asks if PMS is the only provider of this service in New Mexico and comments that if PMS cannot provide the service, maybe another company would. No further discussion. The Commission votes; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

19. Amendment 1 to Service Agreement with PMS for Senior Centers Ms. Ansley speaks. This is for the facilities utilities. The amendment states that all utilities and telephone service for the three senior centers in Torrance County will be named to Torrance County and will be responsible for payment thereof, and that Torrance County will also be responsible for the custodial duties and repair and maintenance of the three centers- Moriarty Senior Center, Estancia Senior Center, and the Mountainair Senior Center. Ms. Ansley states that when the Commission voted to allocate the dollars, our Finance Office switched over the utilities to the County. All documentation hereto attached. **ACTION TAKEN:** Chairman Candelaria makes a motion to approve Amendment 1 to the Service Agreement with PMS for the Senior Centers. Commissioner Frost seconds the motion. Madam Commissioner DuCharme states that when we lease the Fair Grounds, we pay the utilities; why is this different. She asks Mr. Wallin if this is an anti-donation issue because it is a non-profit organization. Mr. Wallin replies that there is an exception for medical services under anti-donation. Mr. Wallin will look into this for the Commission. Ms. Ansley comments that it is the same situation as the buildings for the health clinics; the County owns the buildings and PMS operates them. We have to have agreements in place and collect data with the health clinics that show that they provide at least fair market value of services to the County by providing indigent services. In this way, there is not violation of anti-donation. No further

discussion. The Commission votes; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

20. Update

Ms. Ansley presents the following written update:

**Manager's Report
September 14, 2016**

1. Yesterday the JJB met with CYFD, the funding agency. They wanted to discuss some contractual issues regarding the JJB program. According to CYFD, we need to make some adjustments in the way the continuum is organized. Initially, when the program was first endorsed by the County, we adopted a resolution, authorizing the board. According to CYFD, we can still have a resolution, but we need to develop an MOU between the County and the JJB. This should most likely replace the existing resolution. The MOU needs to spell out the duties of the County and the duties of the Board. The county contracts with the Coordinator, and the Coordinator fulfills the scope of work, on behalf of the County. We haven't been as involved with the Board as we should have been; we've assumed the role of fiscal agent, and left the Board to 'govern' the continuum. According to CYFD, this isn't the way we should be operating. Jenea, the Continuum Coordinator, will most likely be on the next agenda to discuss these issues.
2. We met with Advanced Communications and Motorola yesterday, to look at the possibilities of improving communications coverage in Torrance County. Motorola engineers are visiting all tower sites in Torrance County, yesterday and today, to begin the process of assessing what coverage is currently in existence, and what possibilities are available to improve that coverage.
3. Construction is starting today at judicial. Construction time is estimated at 60 days. We are remodeling the magistrate area to accommodate both magistrate and the Sheriff's Department. We're also making some other structural and aesthetic modifications to the building that have been being requested for a while. These include drainage work and new concrete at the inmate entrance on the northwest corner of the building, window repair, some drywall repair, from old water damage and expansion joints in the two main hallways.

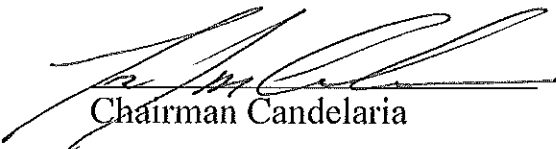
Madam Commissioner DuCharme asks what kind of construction is being done. Ms. Ansley replies that we are renovating the Magistrate Office to allocate some of that space to Magistrate and the rest of the Sheriff's Department. We are also making some structural and cosmetic corrections to the building that we have been addressing for many years.

Public Requests: At the Discretion of the Commission Chair. For Information Only (No Action Can Be Taken). Comments are limited to three (3) minutes per person on any subject.

Michael Godey, resident of Tajique, speaks. The Neighborhood Watch is going to have their fall cleanup on Saturday, October 8th from 10:00am to 12:00 pm. At the Neighborhood Watch meeting, they discussed Law Enforcement problems due to funding cuts. He wants the County to step up and look at funding cuts that are affecting those basic services because this is affecting both infrastructure and law enforcement. He thanks the Commission for assisting the Home Visiting Program.

***Adjourn**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the September 28, 2016 Commission Meeting. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 11:36 am


Chairman Candelaria


Michelle Jones, Admin. Assist. III

10/12/16
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.