

Final Copy
Torrance County Board of Commissioners
Commission Meeting
December 28, 2016

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

Others Present: **Annette Ortiz- Interim County Manager**
 Dennis Wallin- County Attorney
 Michelle Jones –Admin. Assist. III

Call Meeting to Order:

Chairman Frost calls the meeting to order at 9:00 am; he welcomes all those present to the meeting and leads us in the pledge. Ms. Sonya K. Chavez gives the invocation.

Approval of the Meeting Minutes:

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

Approval of the Meeting Agenda:

Chairman Frost asks for a motion to approve today's Meeting Agenda. Ms. Annette Ortiz, Interim County Manager, points out two corrections to the agenda. On agenda items #5 and 6, Ms. Ortiz listed Ms. Amanda Tenorio as the Purchasing Director, Ms. Tenorio is the Finance Director. **ACTION TAKEN:** Chairman Frost makes a motion to approve today's Commission Meeting Agenda. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme states that she made a request to place an item on the agenda and it was not put on. She asks for an explanation. Ms. Ortiz replies that she did not list the item on the

agenda. She states that the requested item involved an accident that occurred with one of our volunteer fire fighter vehicles. She states that she has never listed accidents on the agenda as action items. She states that she was willing to give Madam Commissioner DuCharme and the Commission an update about what happened. She states that she does not list accidents on the agenda for many reasons. She states that she was instructed three times by Legal counsel not to put the item on the public agenda. Madam Commissioner DuCharme states that she requested a report about this accident. Ms. Ortiz replies that Madam Commissioner DuCharme requested an action item in the email that she sent Ms. Ortiz. She further states that persons involved in this item were out for the Holiday and she offered to give an update about it. Madam Commissioner DuCharme asks who made the decision to not place this item on the agenda. Ms. Ortiz replies that it was her decision, while following the advice of Legal counsel. Madam Commissioner DuCharme asks if Ms. Ortiz has the authority to make this decision. Ms. Ortiz replies that she believes that, as the Interim County Manager, she does. Chairman Frost interjects that this could be an insurance matter and discussion of this incident as an action item could affect the legality of the issue. He states that he would hope that a report would be satisfactory and asks for legal comment. Mr. Wallin states that he did advise Ms. Ortiz not to place this on the agenda as it is a matter that is still under investigation. He states that he received a report yesterday and he spoke to a Deputy and there are liability concerns. He states that in general, it just is not a good idea to discuss items that you don't have complete and full information about as the investigation is not finalized. Madam Commissioner DuCharme asks Mr. Wallin if he received general information about what occurred on that day. He replies that he received a report yesterday, and general information about it from Ms. Ortiz during conversation with her after it occurred. He states he believes that the accident occurred on December 20. Madam Commissioner DuCharme states that, unlike Mr. Wallin, the Commission was not made aware of the accident from Ms. Ortiz after it occurred. She states that she requested information and was not provide any information about it. Mr. Wallin replies that the forum in which to provide information to the Commission is at the Commission meeting. He states that this is the first meeting we have had since the accident and Ms. Ortiz is going to report to the Commission about the accident during her Manager's update. Mr. Wallin reminds Madam Commissioner DuCharme that, as an individual, she is just an individual; you act only as a Commission. Madam Commissioner DuCharme states that she considers not placing this item on the agenda as insubordination. She tells Mr. Wallin that he is an advisor here, not a decision maker; the Commission is the decision maker. Mr. Wallin replies that the same is true for Madam Commissioner DuCharme; she is not a decision maker, the Commission as a whole is the decision maker. Madam Commissioner DuCharme

states that she didn't ask that only she be provided with information. She states that she has a right to be aware of what is happening in the County. Mr. Wallin replies that this is what is happening today with Ms. Ortiz's report; the Board of Commissioners is being made aware today. Madam Commissioner DuCharme states that this is not adequate, Ms. Ortiz received information right away, and she thinks the Commission has the right to receive the information at the same time. Ms. Ortiz states that she provided Madam Commissioner DuCharme with the information she knew at the time. Madam Commissioner DuCharme disagrees. Madam Commissioner DuCharme asks if Fire Chief Trumbull is here today to report about this accident. Ms. Ortiz replies that he is not; he is out on vacation for the holiday. He has preapproved vacation. Madam Commissioner DuCharme states that she requested that Fire Chief Trumbull be here today. Ms. Ortiz reiterates that he had already scheduled this vacation time off. Ms. Ortiz states that she will not put an accident, big or small, as an action item on the agenda. Chairman Frost calls for the vote. Madam Commissioner DuCharme repeats that she considers this insubordination and withdrawal of information. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Consent Agenda:

Chairman Frost asks for a motion to approve the Consent Agenda. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the Consent Agenda. Chairman Frost seconds the motion. Madam Commissioner DuCharme asks about invoice #2121316 to Nextiva Inc. in the amount of \$3,794.88. The invoice shows expenditures by each department. The Commission is listed twice. Madam Commissioner DuCharme asks what kind of service the Commission is receiving from this company. Ms. Leslie Olivas, Purchasing Director, explains that this is the bill for phone services for two months. There is a dedicated phone line for conference calls. 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, Clerk, speaks. She gives an update about the upcoming School Board election. The following candidates filed for the following positions:

Moriarty-Edgewood School District

Position 1:

Rebecca King-Spindle

Position 5:

Selia S. Gomez

Estancia School District

Position 1:

Martin A. Lucero

Randol D. Riley

Position 2:

Melody Faye Everett

Elaine I. Darnell

Position 4:

Lee Ryan Widner

Mountainair School District

Position 3:

Dustin Ray Kayser

Position 5:

Eric R. Anaya

Mary Kathleen Gustin

Write-in candidate filing day is January 3rd, absentee voting begins on January 17th, and February 7th is Election Day. Ms. Jaramillo will have all the information for these elections on her County Clerk website: go to Torrancecountynm.org, then click on the County Clerk link.

Nick Sedillo, TC Risk Management, speaks. We have completed year 9 of our risk awareness program. NMAC will be emailing Mr. Sedillo the goals we set out for the year and if we met those goals. He will be sharing this information with the

trainers of each department that is participating in the RAP program. We will be starting year 10 shortly.

Steve Guetschow, P&Z Director, speaks. He presents the Commission with two hand-outs which are included in the file for this meeting.

The first hand-out contains pictures which are representative of Pattern Energy Group's progress on their wind project down by Corona. On 12/07, they came before the P&Z Board with a partial application for a Special Use District. The Board gave them approval for initial construction of roads and mud mats. As of yesterday, they completed 16 mud mats and the roadways accessible to them. The photos show the roughed-in roadways to the test holes. There is also fencing to keep cattle out. These are located on the Bell ranch, the Porter ranch, and the Perkins ranch.

The other hand-out is a document titled:

Public Notice from Torrance County Planning & Zoning Director, Steve Guetschow, regarding change to PERMITTING REQUIREMENTS FOR ACCESSORY STRUCTURES NMAC TITLE 14 CHAPTER 5 [14.5.2.9 effective 11/15/2016]

The document states that the regulation has decreased the permit exempt size requirement for free standing storage structures in residential use from under 200 square feet of floor area to 120 square feet of floor area.

In other words; a storage building that is larger than 120 square feet, whether it is prefabricated or site built, will require a New Mexico State Building Permit and a Torrance County Development Review Permit [Torrance County Zoning Ordinance Section 19.F.1]. The new requirement does not affect storage structures for Commercial use as those have always had the 120 square feet limitation.

After consultation with the NM Construction Industries Division (NM C.I.D.) building inspector, Torrance County will enforce the new standard beginning January 1, 2017.

As a reminder, using site built or prefabricated storage buildings for human habitation or occupancy is prohibited unless safely converted for use as a residential dwelling after NM CID plan review and permitting. [NMAC Title 14, Chapter 12.3.17]

The NMAC regulations are available online under the Regulation & Licensing Department (RLD/CID) web site at www.state.nm.us.

Ms. Guetschow has sent an ad to our local radio station, KXNM, informing the public about this change. Local portable building dealers will also be receiving information about this change.

Chairman Frost speaks. He takes this opportunity to wish everyone a very Happy New Year!

Madam Commissioner DuCharme speaks. She also wishes everyone a very Happy New Year. She thinks we had a lot of improvements this year and she takes this time to thank the County Departments one by one for all their hard work and efforts this year.

2. Motorola Contract for Torrance County Simulcast Project- Dorothy Rivera, EMS Director 2016 Ms. Dorothy Rivera and Mr. Ben Daugherty from Dispatch speak. Today, they are presenting the Motorola contract for the GO Bond project they have been working on. Mr. Wallin has reviewed the contract and now they are requesting Commission approval. All documentation hereto attached. **ACTION TAKEN:** Chairman Frost makes a motion to approve the Motorola contract for the Torrance County Simulcast project. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme asks Mr. Wallin if he has read the contract. He has. Madam Commissioner DuCharme states that it is her impression that this contract is written very forcefully from the standpoint of Motorola. She asks if the interests of the County are protected here. Mr. Wallin replies yes; like most software contracts, it is relatively set in stone and protective of the rights of the software owners, but the County is also protected. Mr. Daugherty states that the software will be installed at Dispatch only; new equipment and hardware will be installed at the three locations that were discussed at a previous Commission meeting: Dispatch, Capilla ATC tower, and Moriarty. Ms. Olivas states that a purchase order will be generated for this project that will be more specific about the three locations. Madam Commissioner DuCharme asks if we will have to stay with Motorola after the equipment is installed. Mr. Daugherty and Mr. Wallin clarify that we will have a licensing agreement for the software and a purchasing agreement for the hardware. We have had a great relationship with Motorola for many years, but down the road if we wanted to make a change, the equipment and hardware would belong to the County. No

further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

3. Request for Supplemental funding for DWI Prevention Program- Tracey

Master Ms. Master speaks. She states that at the last Commission meeting, we discussed the fact that, due to some funding sweeps at the State level, all of the DWI Prevention programs across the State have experienced a significant decrease in funding. It was also mentioned at the last meeting by Chairman Candelaria that the Commission might entertain a request for supplemental funding. Ms. Master is here this morning to request a maximum of \$35,000.00 in supplemental funding. She states that authorization of this funding would enable the program to remain whole for the remainder of FY2017. She clarifies that this would put the budget back at the funding level it was at the beginning of this fiscal year; it will still be approximately \$17,500.00 less than it was for FY2016. Ms. Master has presented the Commission with a letter that states that restoration of the funding would mean:

- Continuation of the Smart Choice Ride designated driving service through June 2017
- Restoration of funding for TNT alternate prevention activities within the Estancia School District
- Continuation of community outreach events and alternate prevention activities
- Continuation of prevention education at the current level of exposure to the students
- Restoration of saturation patrols for the sheriff's office and municipal police departments
- Restoration of underage drinking enforcement activities at area prom and graduations
- Renewal of an I-40 billboard to promote DWI prevention
- Underage drinking prevention advertisements for prom and graduation season

Ms. Master reiterates that she is not asking specifically for \$35,000.00, she is asking for a maximum of \$35,000.00. She stands for questions.

Madam Commissioner DuCharme comments that at the last Commission meeting, the Commission approved Ms. Masters' application for a grant. Madam Commissioner DuCharme states that she did not see the dollar amount of the grant on the application. Ms. Master replies that there was no amount listed. The Commission approved the supplemental documents needed to apply for FY2018 funding. Ms. Master has not yet written the grant for FY2018; she doesn't know what distribution money will be available. FY2018 will begin July 1, 2017. Madam Commissioner DuCharme ask Ms. Master if she has already received her funding for FY2017. She has; she received her grant agreements in May of 2016, effective July 1, 2016. The original amount for the distribution was \$92,674.00 and the grant was for \$70,000.00. The grant remained at \$70,000.00, but the distribution decreased; first to approximately \$60,100.00 and then to \$57,000.00.

Ms. Master explains that there are two pools of funding. The \$70,000.00 comes from a competitive grant, (we still have that) and the other funding is awarded based on an estimate that is provided through NM Tax and Rev and is based on liquor excise tax collections. She reiterates that the amount was originally \$92,674.00, but because of State shortfalls it has been decreased twice and is now approximately \$57,000.00.

Ms. Master will apply for the competitive grant for FY18 and explains that the additional distribution for FY18 that we will receive will be based solely on the estimate from NM Tax and Rev as explained earlier. Madam Commissioner DuCharme asks if the letter Ms. Master presented listed all of the services that she provides to the County. It does not; it only lists the programs that could be brought back if the Commission agrees to provide supplemental funding. She explains that we are still doing prevention in the schools, we still have Teen Court, she is still doing court monitoring, compliance monitoring, etc.

Madam Commissioner DuCharme states that most of the programs listed in her letter are educational programs and asks if she thinks that those programs should be funded through the judicial system or by the schools. Ms. Master replies that she is not in a position to comment on what the judiciary will fund or what the school districts will fund. She states that this funding is provided through the NM Dept. of Finance and Administration, Local Government Division, Special Programs Bureau, LDWI, for the purpose of providing prevention education in the schools- among other things. Madam Commissioner DuCharme asks Ms. Master if she can ask the judicial system or the education system for supplemental funding. Ms. Master comments that the judiciary has seen a 5% reduction in funding across the state; our own Magistrate Court has gone from 6 clerks down to 3; there is no funding there. She further states that she cannot speak directly for the school districts, but believes that they also experienced a 5% decrease in funding and may be looking at a 7 or 8% decrease in order to balance the state budget. Madam Commissioner DuCharme states that, at the last Commission meeting, the Estancia School District was allocated \$149,000.00 from the Wind PILT and also recently received significant funding from another wind farm. She asks if the Estancia School District could allocate some funds for Ms. Masters' program. Ms. Master replies that she can ask the school districts, but her concern is not just for in-school programs. She mentions the Smart Choice ride again. Madam Commissioner DuCharme asks how much it costs to run the Smart Choice ride program per year. Ms. Master replies that it costs anywhere from \$15,000.00- \$40,000.00, depending on whether or not there is a designated driver hired specifically for the program.

Madam Commissioner DuCharme asks how much money is in the County's Wind PILT fund that is not already committed. Ms. Ortiz finds out the remaining PILT budget; it is \$500,000.00.

Chairman Frost thanks Ms. Master for returning from her vacation to attend today's meeting. He states that Ms. Master also has a few more items on the agenda today and they are all important and he believes that they should all be considered together. He also comments that the State Legislation will be meeting again in January and may make cuts again. He states that we will have a new Commissioner coming on board in January and suggests that the Commission table this item today. He suggests that more information be gathered on this for the next meeting. Ms. Master states that it is an option for the Commission to table this item, but reminds the Commission that if they do table this item today the Smart Choice Ride will end Saturday night and there will be no enforcement for New Year's Eve because the Sheriff's Department does not have any DWI enforcement, nor do any of the municipal Police Departments.

Ms. Ortiz reminds the Commission that they have already agreed to supplement two other grant funded programs in this same range of dollar amount and did not cherry pick the program or ask for any other source to fund them. She states that, while she is glad we are not cutting services in the other programs, she thinks it is rather unfair that the Commission is going to cherry pick through the DWI program and not allow for this supplemental funding. Ms. Ortiz states, however, that she believes that in 2017 the Commission should not supplement any grant funded programs; grant funding is what it is. People take positions knowing that there is a possibility that funding will be cut and jobs will be lost. She does not believe that we will be able to get any funding from the schools to help with this shortfall. In summary, she states that she does not believe we should be supplementing any grants, however the Commission has supplemented two other grant programs and \$35,000.00 until the next grant cycle is not too much to ask. The Commission agreed to supplement the Home Visiting Program and the Domestic Violence Program. All documentation hereto attached. **ACTION TAKEN:** Chairman Frost makes a motion to table this item. There is no second. **MOTION DIES**

Madam Commissioner DuCharme states that she agrees with Ms. Ortiz that grant programs should stay grant programs; the County has its own obligations for roads, Sheriff's Department, Fire Department, infrastructure, etc. She thinks we need to concentrate on services that we must provide. She states that Ms. Master's programs are important too, but we need to concentrate on the few we must

provide and do them well. She encourages Ms. Master to look for other sources of funding.

Chairman Frost asks Ms. Master how much funds would be needed to fund the Smart Choice ride through the 1st of the year. Ms. Master clarifies that, right now, New Year's Eve will be the last night of the Smart Choice Ride. It will cost approximately \$12,000.00 to fund it through the end of the fiscal year.

There is discussion about the total budget of Ms. Master's program. Ms. Master explains that the LDWI grant is a reimbursable grant. Madam Commissioner DuCharme states that she supports the Smart Choice and the billboard. She encourages Ms. Master to continue to seek funding from other sources. Ms. Master clarifies that it would take only \$500.00 for the billboard.

Madam Commissioner DuCharme requests to hear a comment from resident, Michael Godey. Mr. Godey comments that, under the circumstances, funds should be delegated to the Smart Choice program. He suggests the Commission delegate funds for Smart Choice and table the rest. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve supplemental funding in the amount of \$12,500.00 to fund the Smart Choice Ride and the I-40 billboard to promote DWI prevention through June 2017; to provide both services through June 2017. There is no second. **MOTION DIES**

Chairman Frost comments that he will not second this motion. He states that there will be a Smart Choice ride on New Year's Eve and a full Commission at the next meeting and he wants to revisit this discussion at that time. Ms. Ortiz asks Ms. Master if this decision will affect agenda item #4 today. Ms. Master replies yes, as there will be no funds for the contract to continue. **NO ACTION TAKEN, ITEM DIES.**

4. Amendment #1 to Contract FY2017-DWI-01 between Lucia Lucero and Torrance County- Tracey Master, DWI Prevention Ms. Master speaks. This is a request for approval of Amendment #1 to contract FY2017-DWI-01 between Lucia Lucero and Torrance County. This amendment will reduce the contract by 20%; from \$48,666.00 to \$38,933.00. There is not sufficient funding from NM DOF, Local Government Division, Special Programs, LDWI, to maintain the current rate. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve Amendment #1 to Contract FY2017-DWI-01 between Lucia Lucero and Torrance County. Chairman Frost

seconds the motion. Chairman Frost comments that he wants to wait and revisit this item at the next commission meeting as agenda items #3 and #4 are connected and we will have a full commission at the next meeting. Ms. Master respectfully requests that this item be decided on today as the funds are not there. Chairman Frost clarifies that he does not want to cut the agenda item #3 budget or the agenda item #4 budget; he just wanted to wait until the next meeting and discuss it when there is a full Commission in place. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

5. Resolution 2016-54 Cash Transfers & Line Item Transfers- Amanda Tenorio, Finance Director Ms. Tenorio speaks. She is requesting approval of Resolution 2016-54 Cash Transfers and Line Item Transfers. This is for the transfer of Animal Control to the TC Animal Shelter. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve Resolution 2016-54 Cash Transfers & Line Item Transfers. Chairman Frost seconds the motion. Madam Commissioner DuCharme asks Ms. Tenorio to explain the difference between a cash transfer and a line item transfer. Ms. Tenorio explains that the cash transfer is a fund transfer; transferring dollars between county funds. In this instance, dollars are being transferred from the Wind PILT fund (641) to the General fund (401). A line item transfer transfers dollars between line items within a budgeted fund. In this instance, the line item transfers are the actual budgeted amounts that Ms. Sullivan requested for the Animal Shelter. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

6. Resolution 2016-55 Line Item Transfers- Amanda Tenorio, Finance Director Ms. Tenorio speaks. She is requesting approval of Resolution 2016-55 Line Item Transfers. These transfers are all within the requesting departments budgeted funds. All documentation hereto attached. **ACTION TAKEN:** Chairman Frost makes a motion to approve Resolution 2016-55 Line Item Transfers. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

***Commission Matters:**

7. Award RFP 2017-01 On-Site Fire Apparatus Repair- Leslie Olivas, Purchasing Director Ms. Olivas speaks. She requests that the Commission table this item today, as they are still exploring some options for this item. Madam Commissioner DuCharme states that this is not what Ms. Olivas told her this morning. Ms. Olivas states that she told Madam Commission DuCharme that she would justify any questions that Madam Commission DuCharme might ask her and that any questions asked would have to be asked before the Commission. Madam Commissioner DuCharme states that Ms. Olivas said that she would present this item. Ms. Olivas states that she is presenting this item and that she is asking that it be tabled. Madam Commissioner DuCharme asks her what happened. Ms. Olivas replies that they need to continue some discussions and explorations. All documentation hereto attached. **ACTION TAKEN:** Chairman Frost makes a motion to table this item. Madam Commissioner DuCharme states that she is not hearing a reasonable explanation for tabling this item. There is no second.
MOTION DIES, ITEM DIES

Ms. Ortiz clarifies with Ms. Olivas that taking no action on this item means that this item dies and the RFP process will have to start over.

8. Request Payment of Invoice, Purchase Made without Following Procurement- Betty Cabber, Assessor Ms. Cabber speaks. She states that she believes that the Commission has a copy of the invoice that she is requesting payment for. The Commission does not. Ms. Ortiz states that because it was for such a specific vendor, she did not put the invoice in the packet; this was for a purchase that did not follow the procurement code. Ms. Cabber states that she believes that the invoice amount is for approximately \$170.00. She states that she and her Deputy Assessor were in Santa Fe at the time and they had been trying to get their desktop computers changed to lap top computers for their appraisers, making their field work and office work more streamlined. They set a deadline for this transfer to be done and they ran into some issues and needed additional parts. They asked their Database Administrator to go and get the parts and he paid for the parts on his own without the proper purchase order. Ms. Cabber asks for permission to pay for this from her budget. All documentation hereto attached. **ACTION TAKEN:** Chairman Frost makes a motion to approve the request for payment of this invoice. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme asks Ms. Ortiz why she took the information

that was provided to her for this item out of the packet. Ms. Ortiz answers that it was because it was a very specific vendor and she did not think that his name needed to be made public in that manner. She further explains that the vendors are generally companies; this is a specific employee. Madam Commissioner DuCharme asks for a legal opinion about this. Mr. Wallin states that he is not sure that this is a matter for a legal opinion. Ms. Ortiz states that in the past when she put a specific vendor name on the agenda, she received significant push back from that vendor. She states that on the last few agendas, no vendor name has been listed on agenda items such as this one, where procurement has not been followed and payment is requested. Chairman Frost comments that this needs to be taken care of and it is not his job to manage the manager. Madam Commissioner DuCharme states that Ms. Ortiz should not take it upon herself to withdraw information. After further discussion, Ms. Ortiz states that the vendor is Mr. Ray Cullen and it was her decision as the Interim County Manager, to omit that information from the packet, which is public information. Chairman Frost calls for the vote. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

9. 2017 Commission Schedule- Ms. Ortiz speaks. She has presented the Commission with a proposed 2017 Commission schedule as well as a proposed 2017 Holiday closure schedule for their approval. This 2017 Commission schedule follows the resolution that states that Commission meetings will be held the second and fourth Wednesday of each month. All documentation hereto attached. **ACTION TAKEN:** Chairman Frost makes a motion to approve the 2017 Commission Schedule. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

10. 2017 Holiday Schedule- Ms. Ortiz speaks. Along with the Holiday schedule, Ms. Ortiz has provided the Commission with the 2017 Employee calendar. She states that, per County policy, if a holiday falls on a Sunday, we observe it on the following Monday. If a holiday falls on a Saturday, we generally observe it on the previous Friday. As January 1 falls on a Sunday, Ms. Ortiz is requesting that we observe it on Monday, January 2. Also, as November 11, Veterans Day, falls on a Saturday, she is requesting that it be observed on Friday November 10. Lastly in December, Christmas Eve falls on a Sunday and Christmas Day falls on a Monday and can be observed on that same day. The Commission agrees to the proposed calendar. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the 2017 Holiday Schedule.

Chairman Frost seconds the motion. This also approves the 2017 Employee calendar. No further discussion. The Commission votes; all in favor, none opposed.
MOTION CARRIED

***County Manager Requests/Reports:**

11. Retirement Recognition-

Ms. Ortiz speaks. We are recognizing two County employee retirements that will occur this year.

Mr. Martin Gutierrez retired in February from the Road Department. He retired as a Road Foreman after 25 years of Service. He is sincerely thanked for his years of dedication and hard work.

Today, we also recognize the retirement of Ms. Liz Lujan. Ms. Lujan is retiring this month from the Finance Department after 37 years of dedicated service. Her knowledge, positive attitude, and smiling face will be irreplaceable. Ms. Ortiz reads the plaque which is being presented to Ms. Lujan today. Congratulations Liz!

12. Update

Ms. Ortiz give the following Manager's update.

As was earlier stated, we did have a Fire Department Tender involved in an accident on Hwy 41. They were responding to the recent fire in Mountainair. As they were traveling, a vehicle in front of them neglected to yield and the truck ended up on its side and sustained some damage. The Fire Fighters that were in the truck were not seriously injured. The truck was towed away and an adjuster will look at it to assess the damages. The truck is covered under County insurance. Madam Commissioner DuCharme asks if the driver of the truck was sufficiently trained. Mr. Wallin recommends that Madam Commissioner DuCharme not get into these types of details at this time. One, not until the investigation is complete and two, because we may be infringing on personnel matters and issues that should be handled in closed session. He states that Madam Commissioner DuCharme's questions are premature based on what we know. Madam Commissioner DuCharme asks which Fire District was involved in the crash. Ms. Ortiz replies that she doesn't know. Madam Commissioner DuCharme asks if we know the cost

of the damage. Ms. Ortiz replies that we don't. She states that she has not yet received the paperwork to turn into the insurance yet. She received a report yesterday which she will combine with paperwork from our Fire Chief to submit to the insurance company. Madam Commissioner DuCharme states that those are all the questions she has for now, but she finds it strange that Ms. Ortiz does not know or was not curious about what Fire District was involved. Ms. Ortiz states that she was more concerned with the safety of the Fire Fighters involved. There is discussion about Fire Chief Trumbull being asked to give updates to the Commission. The Commission will discuss this as an agenda item at a later date.

Madam Commissioner DuCharme asks when the Sheriff's Department will be moving into their new location. Ms. Ortiz replies as soon as she get their cubicles ordered and installed.

Ms. Ortiz informs the Commission that she was able to get the Dog Head Fire overtime payments made before Christmas.

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.

Linda Jaramillo, County Clerk and resident, takes this opportunity to wish everyone a Happy New Year. She looks forward to working with her excellent staff and with the County in 2017.

Nancy Brackerman, resident and taxpayer, speaks. She states that she is glad that the Commission cooperates with KXNM, the local radio station, so that the entire proceedings of the Commission meetings can be heard. She states that she listens a lot. She states that she observed that there was no microphone for Mr. Wallin and was informed that repairs are being made. She was listening to Ms. Master, DWI Prevention coordinator, during the meeting and wonders how we can get the word out to the State and the Nation that you do not have to have alcohol to have fun. She thanks the Commissioners for their service and hopes that we can go forward with a kinder and gentler County and State.

Michael Godey, resident speaks. He thanks the Commission for not rushing through the meeting; he thinks that the level of thought had depth to it.

Next, he states that Mr. Fred Sanchez came to his home earlier today and there appeared to be a couple of people in hoodies in a flatbed truck that were driving around that looked suspicious. He also observed a grey car that might fit the description of a car that was involved in a burglary that happened three weeks ago.

Hank Van Es, McIntosh resident, speaks. A few Commission meetings ago, he commented about a problem on Martin road; that it had been oiled without repair to the pot holes. The pot holes were repaired, which is appreciated, but the road needs repair again.

Michelle Jones, resident, (myself) speaks. She states that she was disappointed in the fact that because there was not a third Commissioner here today, some very important things did not get done. She does not understand why agenda item #7 could not be tabled when there was a request to table it today. She states that she believes that this will result in a lot of unnecessary additional work. She states that she also does not understand why action could not be taken to supplement the DWI program after Ms. Master had informed the Commission previously that she had exhausted all efforts to find additional funding. Ms. Jones states that she has a daughter who is a high school senior this year and she is disappointed that the Commission could not or would not agree to supplement up to \$35,000.00 to the DWI program out of a PILT fund that has over \$500,000.00 in it. She reminds the Commission of the programs that will not be funded as a result. She states that she looks forward to next year when we will have a full Commission board and can hopefully revisit this again.

Linda Jaramillo, County Clerk, speaks. She states that as Clerk of the Commission, she respects all their decisions.

Danielle Johnston, resident, speaks. She states that, first of all, she would like to thank the Commissioners for their careful examination and their excellent questioning regarding the DWI grant. Their questions were valid ones and it is an awful situation that the State is in. She states that she would remind everyone, including the Commissioners, that DWI prevention does not just fall to the County, it falls to the schools as well. She states that while it is harsh to make the decision the Commission made today, we must remain hopeful and know that within the context of the required state health curriculum and with the guidance offices within the infrastructure of the schools, and with the coordination of Ms. Master, the schools and the County will continue this effort. She states that there is no money in the State right now and she appreciates Ms. Ortiz's comment regarding cherry

picking grants; she knows the hard work involved in writing these grants and changing grants.

Lastly, Ms. Johnston speaks about the outstanding job the Fire Department is doing in her district. She tells a story to illustrate the incredible job that the EMTs and the Fire Fighters are doing. She thinks we have excellent services within the context of our County; we are not a wealthy county but we have a commitment of the people who live here.

Betty Cabber, County Assessor and resident, speaks. She wishes everyone a Happy New Year and thanks the Commission and the County employees for their hard work. She states that we are here for the tax payers and we are tax payers and we have to be careful with how we spend our money and what we do. She cautions the Commission that yes, the State is in dire straits and it is only going to get worse and one of the most important things we must do going forward is to earmark our IRB/PILT money that is in our General fund or the State could take it away from us. She warns that the State will look at our PILT money and ask exactly how we are spending it and if we don't have it earmarked to a more defined degree it is going to cause an issue with us getting funding from the State.

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) Pending Litigation related to Filippi, et al v. Torrance County, Section 10-15-1(h)(3)
- b) Pending Litigation related to Cullin v Torrance County, Section 10-15-1(H)(3)

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

Executive session starts at 11:26 am.

***Reconvene from Executive Session**

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

c) **Consider and Act upon, if necessary**

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

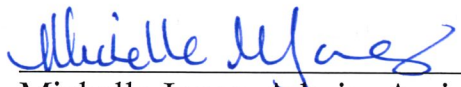
Regular Session reconvened at 11:45 am.

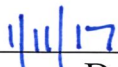
Chairman Frost reported that the Commission only discussed the items listed on the agenda for Executive Session and no action was taken.

***Adjourn**

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to adjourn the December 28, 2016 Commission Meeting. Chairman Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.** Meeting adjourned at 11:46 am


Chairman Frost


Michelle Jones, Admin. Assist. III


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.