

Final Copy
Torrance County Board of Commissioners
Commission Meeting
February 8, 2017

Commissioners Present: **Julia DuCharme-Member**
 James Frost-Member
 Javier Sanchez- Chair

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

Call Meeting to Order:

Chairman Sanchez calls the meeting to order at 9:00 am and calls for a Commission Roll Call. Commission District 1- Present, Commission District 2- Present, Commission District 3- Present. Mr. Gabe Sedillo, Torrance County resident, leads us in the pledge and Ms. Annette Ortiz, Interim County Manager, gives the invocation.

Approval of the Meeting Minutes:

Chairman Sanchez asks for a motion to approve the January 25, 2017 Commission Meeting minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the January 25, 2017 Regular Commission Meeting Minutes. Chairman Sanchez seconds the motion. Madam Commissioner DuCharme refers to today's agenda item #12. Appointment of Torrance County Representative to Estancia Valley Solid Waste Authority Board of Directors. She states that at the last Commission meeting, she referred to a meeting that was conducted by the previous County Commission that occurred in May or June of 2014. In today's Commission packet, the Commission was provided with minutes from a May 2014 meeting and a June 2015 meeting. She asks why the Commission was provided with the 2015 minutes. She states that the minutes from the last Commission meeting don't really summarize the discussion. Ms. Ortiz states that she provided the minutes so as to outline when the past Commission appointed the Board Members to the EVSWA. Madam Commissioner DuCharme asks if Ms. Ortiz was able to determine the terms for the members. Ms. Ortiz replies that they are two years. No further

discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Agenda:

Chairman Sanchez asks for a motion to approve today's Meeting Agenda. **ACTION TAKEN:** Chairman Sanchez makes a motion to approve today's meeting agenda. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks about agenda item #4. **Request Permission to Purchase New Tinder.** She notes that Ms. Cheryl Hamm from the Fire Department is listed on the agenda to present this item. She states that she does not want to downgrade everything that Ms. Hamm is doing for the County, but she states that she believes that Fire Chief Trumbull should be presenting this item. Ms. Hamm, TC District 2 Fire Assistant Chief, states that she is here to present because it involves her district's truck. She states that she was here to present this item in August and, as second in command, she is able to do this. She states that Fire Chief Trumbull was not available to attend today's meeting. Chairman Sanchez asks Interim County Manager Ortiz if we are within procurement regulations and policies in allowing Ms. Hamm to present agenda item #4. Ms. Ortiz answers that she has never had a Commissioner or a Commission question a request to be on the agenda or by whom an agenda item was being presented. She states that, right now, Fire Chief Trumbull doesn't actually make any purchases unless a District Chief has first signed off on the purchase. Chairman Sanchez states that he thinks the Commission can hear agenda item #4 as is. Madam Commissioner DuCharme agrees to this.

Madam Commissioner DuCharme asks about today's Executive Session, which states, in part, 'review top two (2) applicants and consider appointing an Emergency Manager.' She asks Ms. Ortiz how many total applications the County received for this position. Ms. Ortiz replies that 4 applications were received. Madam Commissioner DuCharme asks why only 2 applicants are being considered today and who made this determination. Ms. Ortiz replies that the interview panel made this determination. She states that the interview panel consisted of Chairman Sanchez and herself. She states that, in the interest of time, they decided that the top 2 applicants should come before the Commission. She and Chairman Sanchez conducted the interviews for this position. Madam Commissioner DuCharme states that she does not remember the Commission recommending this or giving permission for this process. Commissioner Frost states that it is his recollection that this process has been used before. He further states that it is not the

Commissions job, as he sees it, to hire every person here; that's why we have a manager and an HR department. He states that he has faith in the people that screened the applicants before today and narrowed them down to 2. Madam Commissioner DuCharme states that if the Commission is going to vote to appoint an Emergency Manager, it was the Commission's job to choose the final applicants. She states that in this case, authority was exceeded. Chairman Sanchez asks Mr. Huss for a legal opinion. Ms. Ortiz comments that, historically, this is how this process has been conducted. Mr. Huss states that he agrees with the Interim County Manager and Commissioner Frost that this has been the Commission's policy. He states that, as far as he can remember, there has always been a committee to review applicants and bring the best before the Commission, so he does not see any problem with the way this process is structured. Mr. Huss states, however, that if Madam Commissioner DuCharme has an issue with this, the time to discuss it would be when the Commission reaches this item on the agenda. He states that the Commission can vote to table the Executive Session and put it back on the agenda with all 4 applicants or the Commission can choose to proceed with today's agenda and Executive Session as is. Madam Commissioner DuCharme states that she would like to see a correction to this Executive Session that would allow the Commission to review all 4 applicants in order to appoint an Emergency Manager.

Chairman Sanchez states that he wants to move the Executive Session to the beginning of the agenda.

ACTION TAKEN: Chairman Sanchez amends his motion to the following: he makes a motion to move the Executive Session portion of today's meeting to the top of the agenda and approve today's meeting agenda with this change. Commissioner Frost seconds the motion. The Commissioners vote; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED.**

Approval of the Consent Agenda:

Chairman Sanchez asks for a motion to approve the Consent Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Consent Agenda. Chairman Sanchez seconds the motion. Madam Commissioner DuCharme asks about invoice #1612417 payable to Cooperative Educational Services in the amount of \$120,502.23 for work at the Torrance County Judicial Complex. She asks Ms. Ortiz if she has a detailed invoice for this amount that shows what work was done. Ms. Ortiz explains that this payment is for the renovations that were

done for the Sheriff's Department to move into the old magistrate space at the Judicial Complex. Facility Build was the contractor for this work. Ms. Ortiz states that she can and will provide Madam Commissioner DuCharme with a detailed invoice of this work at the end of the meeting.

Madam Commissioner DuCharme asks about invoice #92117 payable to Corrections Corporation of America in the amount of \$914,482.30 for ICE Housing. Madam Commissioner DuCharme states that she knows that this is transit money for us. She asks Ms. Ortiz if we have the funds for this reimbursement. Ms. Ortiz replies yes. 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

Executive Session:

ACTION TAKEN: Chairman Sanchez makes a motion to go into Executive Session. **As Per Motion and Roll Call Vote, Pursuant to New Mexico State Statute Section 10-15-1, the Following Matters Will be discussed in Closed Session:**

- a) Limited Personnel Matters: Pursuant to Section 10-15-1(H) (2), review top two (2) applicants and consider appointing an Emergency Manager.

Commissioner Frost seconds the motion. Roll Call Vote: District 1-Yes, District 2-No, District 3-Yes. **MOTION CARRIED.**

Executive session starts at 9:22 am.

***Reconvene from Executive Session**

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

Regular Session reconvened at 10:26 am.

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

Chairman Sanchez states that the following matters were discussed in Closed Session and no action was taken:

- a) Consider and Act upon, if appropriate, Limited Personnel Matters regarding the review of applicants for Emergency Manager and appointment of an Emergency Manager.

ACTION TAKEN: Madam Commissioner DuCharme makes a motion to appoint Mr. Martin Lucero to the position of Emergency Manager. Commissioner Frost seconds the motion. The Commission votes; all in favor, none opposed. **MOTION CARRIED.**

Chairman Sanchez introduces Mr. Lucero to all present. Mr. Lucero thanks all for the opportunity to be here and he states that he looks forward to serving. Congratulations Mr. Lucero!!

Chairman Sanchez informs all that, starting today, the Commission will be allowing Public Comment during each agenda item. Persons making comment will be given 1 minute to make their comment.

***Department Requests/Reports:**

1. Appointment of Board of Registration- Linda Jaramillo, County Clerk Ms. Jaramillo speaks. She informs all that it is time for our County to purge voters from our voter lists. The first step in doing this is to appoint a Board of Registration to follow through with the process. We will be purging voters in March. She states that in her request to be placed on the agenda, she gave the Commission a list of names of people that she felt were worthy of being on the Board. She states that she also had to ask our County Chairpersons from the Republican Party and the Democratic Party for names and she did receive some names which she presents to the Commission now.

The names that were submitted from the TC Republican Party Chair are as follows:

- Carolyn McNeil
- Augustina Sturchio
- Jeremy Tremko
- Harley Brian

The Democratic Chair did not submit any names.

Ms. Jaramillo submitted the following final recommended list of 3 members and 2 alternates:

- Carolyn McNeil- Republican
- Lavonne Lawrence- Democrat
- Augustina Sturchio- Republican
- Tillie Luna- Democrat Alternate
- Jeremy Tremko- Republican Alternate

ACTION TAKEN: Chairman Sanchez makes a motion to appoint the Board of Registration as presented by Ms. Jaramillo. Commissioner Frost seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Michael Godey, resident, comments that the Board of Registration has no representation from the Independent party and that public comment should be taken before the Commission votes on items.

Chairman Sanchez states that the Commission will take public comment before voting. Ms. Jaramillo states that, by law, the Board of Registration must be comprised of members of the two major parties.

2. Updates

Linda Jaramillo, Clerk, speaks. She informs the Commission that local school board elections were conducted. She presents the following results:

2017 SCHOOL BOARD ELECTION RESULTS

ESTANCIA SCHOOL DISTRICT:

POSITION 1

Martin A. Lucero 114
Randol D. Riley 218

POSITION 2

Melody Faye Everett 128
Elaine I. Darnell 207

POSITION 4

Lee Ryan Widner 169
Kenneth Lujan 141
(Write in)

MOUNTAINAIR SCHOOL DISTRICT:

POSITION 3

Dustin Ray Kayser 191

POSITION 5

Eric R. Anaya 104
Mary Kathleen Gustin 142

MORIARTY-EDGEWOOD SCHOOL DISTRICT:

DISTRICT 1

Rebecca King-Spindle 8

DISTRICT 5

Selia S. Gomez 3

To be published one time in the Mountain View Telegraph on February 16, 2017
Linda Jaramillo-Torrance County Clerk

Ms. Jaramillo informs all that in the Estancia school district- out of 2,686 registered voters, 254 voted. In the Mountainair school district- out of 1,298 registered voters, 237 voted. And in the Moriarty/Edgewood school district- out of 5,409 registered voters, 11 voted. She notes that the Moriarty/Edgewood positions were uncontested and encourages everyone to vote in their local elections.

Betty Cabber, Assessor, speaks. She states that on Monday they held another outreach at the Moriarty Civic Center and had about 15 people come in. They came in mainly to fill out their livestock forms, but also had other questions. For the first year of conducting these satellite office days, it has really been a success and they plan on continuing to go out into the community. They will continue to team up with the Treasurer's office to do these. The one issue that continues to be a hindrance is the lack of internet service throughout the County. Ms. Cabber states that she hopes that the internet broadband bills that are at the legislature currently

are heard and approved. She states that it is essential that we have better internet service throughout our rural County; not just for our residents, but for economic development.

Ms. Cabber informs the Commission that she will be attending an NMAC Board of Directors meeting next Saturday. She states that she was happy to see that the BLMs 2 point new rules and regulations that they are trying to get done was voted down by the US House. She states that it would be taking authority away from the local counties and cities.

Lastly, Ms. Cabber thanks her employees Ms. Victoria Sedillo, Mr. Bill Holt, and Mr. Jesse Lucero, for attending every community satellite office outreach that they have conducted so far. Their attendance and assistance is very much appreciated, as is the work of everyone in her office.

Cindy Sullivan, Animal Shelter Director, speaks. She informs the Commission that she received notice that the veterinarian we contract with is leaving. She has a meeting with Dr. Stacey Thornton from Western Trails Veterinarian Hospital tomorrow morning to work on this; we cannot operate without a supervising veterinarian. Our vet that is leaving has agreed to stay until we get a replacement.

Ms. Sullivan informs the Commission that she has a meeting this afternoon with Susan Simons from Moriarty Animal Control to discuss bringing Santa Fe's spay and neuter van here to us. This is an amazing opportunity for us and if it works out, Ms. Sullivan will do her best to get the word out so that residents can take full advantage of this. She will update the Commission as she gets more details.

Madam Commissioner DuCharme asks Ms. Sullivan about the Animal Shelter foyer construction project. Ms. Ortiz replies that we are having a hard time finding a contractor that will come out to do this project as it is under \$50,000.00. She states that we are still actively searching for a contractor. Hopefully someone will come forward to bid on this project.

Nick Sedillo, Safety Officer, speaks. He states that every year, per OSHA regulations, NFPA standards, as well as the NM State Fire Marshall's Office, our facilities must be inspected. When they come out, they inspect our fire alarms to make sure the fire alarm panel is working and our smoke detectors are operable. Our inspection occurred yesterday. The vendor came out and we received a 'DO PASS' for both of our facilities. However, Mr. Sedillo cautions the Commission that our building is 53 years old; our fire alarm panel is working, but will probably

need to be updated soon. Mr. Sedillo recommends considering updating our fire alarm panel at budget time. As soon as Mr. Sedillo receives a copy of our inspection report, he will share it with the Manager's office and our local Fire Department so they know that our buildings have been inspected and we are in compliance.

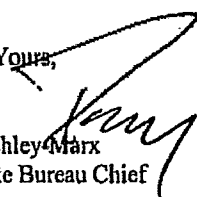
Dan DeCosta, Code Enforcement Officer, speaks. He states that last Friday, his office received notification from the State that our grants are back on; that we are funded and that they are going to pay us. Mr. DeCosta gives the Commission copies of 2 letters regarding Notification of Change in Recycling and Illegal (RAID) Grant Agreement Awards. One is in reference to TC, Project #17 RAID-14 and the other is in reference to TC, Project 317 RAID-NT13. Both letters state the following:

Dear Mr. DeCosta:

The funding uncertainties described in the January 2017 letters have been resolved. All reimbursement requests that have been submitted are being processed. If your project is incomplete, you may continue all work and procurement activities specified as reimbursable in your 2017 RAID grant agreement. If you have not started your project, please begin as soon as possible.

Please submit reimbursements requests immediately after payments are made. Requests to reimburse expenditures made between January 1, 2017 and March 31, 2017 are due on March 31, 2017 but should be submitted sooner, if possible. Requests to reimburse expenditures made after March 31, 2017 are due by June 30, 2017. To ensure expeditious processing at the close of the fiscal year, please do not wait until the end of June unless it is unavoidable.

Your patience and cooperation are greatly appreciated. If you would like to discuss this matter further, please feel free to contact me at 505-827-2775. To discuss the details of your grant projects, please contact Neal Denton, Solid Waste Bureau Recycling Program Coordinator, at 505-827-2653.

Sincerely Yours,

Auralie Ashley Marx
Solid Waste Bureau Chief

For A. Ashley Marx

Mr. DeCosta states that Representative Tomas Salazar and Senator Elizabeth Stefanics really stepped up to help out with this issue.

George Ramirez, President of the Manzano Land Grant, speaks. They are currently in the process of upgrading their infrastructure and they have a rare opportunity to purchase a building that was previously a community center. They are seeking out recommendations and assistance with raising funds to make this

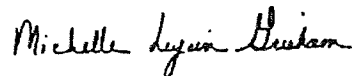
purchase. This community center would benefit their community as well as the County.

Gloria Zamora, Secretary- La Merced de Manzano, speaks. She begins her update with a short prayer. She informs the Commission about the Commemoration of the 169th Anniversary of the signing of the Treaty of Guadalupe Hidalgo, which was held on February 2, 2017 at the New Mexico State Capitol Rotunda in Santa Fe. Ms. Zamora has presented the Commission with a handout of the event, which is included in the file for this meeting. She talks about some of the highlights of the event. She also talks about the current battles La Merced de Manzano is still fighting for their land and their water. Ms. Zamora also informs the Commission that Attorney General Hector Balderas spoke at this event on behalf of the land grants. She reads a portion of a letter from Michelle Lujan Grisham:

New Mexicans know that our culture is not only about who we are today, it is also about our traditions. Respect for tradition along with a commitment to family and community are at the core of our culture and the land grant movement. Today many of you work to protect what the Treaty should have safeguarded; you work as advocates, community organizers, land managers, educators and leaders.

As the Chairwoman of the Congressional Hispanic Caucus I am committed to protecting Hispanic cultures and ensuring justice for our communities. I commend everyone here who is working to protect traditional land uses and ensure cultural heritage is not lost. I also want to honor those who have diligently advanced the land grant cause so that these significant cultural traditions were not forgotten. I appreciate the opportunity to continue to work with the land grant communities to ensure access to important resources.

Sincerely,



Michelle Lujan Grisham
Member of Congress (NM-01)

Commissioner Frost has no update today.

Madam Commissioner DuCharme states that every year she thinks it is important to remind ourselves about our mission statement:

Torrance County is committed to effective, efficient and responsible public policy, excellent public service, courteous public contact, sensitivity to cultural beliefs and preservation of their heritage, providing quality services as required by law or mandated by the public, enhancing the

health, safety and general well-being of the citizens of Torrance County and conducting county operations in a legal, ethical and fair manner.

Madam Commissioner DuCharme states that every February, we celebrate 'Feeding Wild Birds' month. February is considered the harshest month of the year for birds. She states that she thinks this is one of the easiest ways to show kindness. When we show this kind of kindness, we receive joy right away. She speaks about kindness to other living beings.

Lastly, Madam Commissioner DuCharme states that there was a bit of controversy today about the Executive Session portion of the meeting. She states that she is really appreciative of the effort that Chairman Sanchez, Ms. Ortiz, Commissioner Frost, and Mr. Huss made towards her and she just wants to say thank you.

Chairman Sanchez states that he has continued research into various County issues and has been in attendance at various County meetings, in an effort to further educate himself on any number of issues and he looks forward to continuing to do so.

3. Resolution 2017-03 Clean-up Properties in Estancia Ranchettes with Monies Provided by NMED- Daniel DeCosta, P&Z Code Enforcement Mr. DeCosta speaks. This is the resolution that he brought before the Commission at the last meeting. It was tabled at the meeting because we were unsure about funding. Since then, we have received confirmation that this project will be funded. **ACTION TAKEN:** Chairman Sanchez makes a motion to approve Resolution 2017-03 Clean-up Properties in Estancia Ranchettes with Monies provided by NMED. Madam Commissioner DuCharme seconds the motion. Commissioner Frost asks Mr. DeCosta if they will be moving forward with this soon. Mr. DeCosta states that it depends on if the owners of these properties live inside or outside of the County. He states that if they live outside of the County, all we have to do is post the property. If they live inside the County, we have to advertise it. He states that we will be cleaning up the County Park first, then some illegal dumping, and then start on these properties. He will then be amending the grant to include a few other properties.

Michelle Jones, resident, (myself), thanks Mr. DeCosta for his efforts on this item. Great Job Dan!

Ms. Ortiz asks about reimbursements. Mr. DeCosta and Mr. Miller, EVSWA Manager, both state that it is their understanding that all our requests for reimbursement will be granted.

The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

13. Proposed Addition to the 2017 ICIP- Gloria Zamora, Secretary La Merced de Manzano Chairman Sanchez speaks. He states that he would like the Commission to consider agenda items #13 and #14 together at this time. He states that, in early January of this year, a well-advertised and very well attended meeting was held in Torreon, primarily for Commission District 3 stakeholders, regarding infrastructure and the need for infrastructure projects in the District. Chairman Sanchez wants to insure that his District has proper representation on the County's current ICIP. While visiting with our Legislators, he became aware that, in order for projects to be eligible for capital outlay dollars through the County, they must be on the County ICIP. He states that, at the meeting, they were able to identify 3 projects that they are interested in adding to the ICIP.

Chairman Sanchez also learned that, in order for projects to have eligibility in FY18, they must be added to the ICIP by February 14, 2017. Chairman Sanchez is requesting that the Commission approve the inclusion of these 3 projects to the ICIP. Ms. Leslie Olivas, Purchasing Director, states that the best available project slots on the ICIP are: 2019-009, 2019-010, and 2020-06. Chairman Sanchez requests that the Commission place the projects in these slots today. All the projects on the ICIP can be discussed and priorities again during the annual ICIP review.

The 3 projects Chairman Sanchez is proposing are as follows:

- An Acequia Project- Upgrade of Storm water management Facilities in Torreon.
- The Planning, Designing, and Construction of a Multi-purpose Center in the Village of Punta de Aqua.
- The Purchase of a Historic Building in the Manzano Land Grant, for the Land Grant use as a Multi-Purpose Center.

ACTION TAKEN: Commissioner Frost makes a motion to add the 3 projects Chairman Sanchez has proposed to the County ICIP. Chairman Sanchez seconds the motion. Madam Commissioner DuCharme asks about the 3 openings on the ICIP. Ms. Olivas explains that DFA recommends that the County have 10 projects proposed for each fiscal year. Currently, Torrance County does not have that, that's why we have these open project place holders, or slots.

Gloria Zamora, Secretary La Merced de Manzano, thanks Chairman Sanchez for holding the stakeholder meeting. She stresses that they are in dire need of a community center.

Daniel Antonio Herrera, resident, gives a brief history of the area and advocates for a community center in Manzano.

Lenora Lovato Romero, resident, thanks the Commission for their consideration of these projects and thanks Chairman Sanchez for holding the stakeholder meeting. She advocates for a community center.

Raquel Roybal, Punta De Aqua resident, talks about the beauty of her community and advocates for a community center in her area.

Ms. Ortiz asks about some of the details that would be involved if these projects become a reality. For example, would the County buy the Historic building in the Manzano Land Grant? Chairman Sanchez replies that the County would be functioning as the fiscal agent. Ownership of this infrastructure would be the Land Grant. The County would act, in a way, as a sponsor.

No further discussion. The Commissioners vote; all in favor, none opposed.

MOTION CARRIED.

For clarity with respect to today's agenda, Chairman Sanchez makes the following motion- **ACTION TAKEN:** Chairman Sanchez states that regarding agenda item #13, he makes a motion to add the proposed addition to the 2017 ICIP of the Manzano Tiendita, (The Purchase of a Historic Building in the Manzano Land Grant, for the Land Grant use as a Multi-Purpose Center). Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

14. Revision/Addition of Two (2) Projects to the 2018-2022 ICIP- ACTION TAKEN: Chairman Sanchez states that regarding agenda item #14, he makes a

motion to add two projects, (as listed above), to the 2018-2022 ICIP. Commissioner Frost seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

- a) **Resolution 2017-04B Adoption of 2018-2022 Infrastructure Capital Improvement Plan ACTION TAKEN:** Chairman Sanchez makes a motion to adopt Resolution 2017-04B Adoption of 2018-2022 Infrastructure Capital Improvement Plan. Commissioner Frost seconds the motion. The resolution is not included in today's packet, but Ms. Ortiz explains that it is the same resolution that the Commission adopted when it adopted the initial ICIP, but it will include verbiage stating that it supersedes the prior one and the new projects will be added. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED**

12. Appointment of Torrance County Representative to Estancia Valley Solid Waste Authority Board of Directors- Ms. Annette Ortiz speaks. This item was tabled at the last Commission meeting to allow time for research into the JPA. TC Representatives to the EVSWA Board are appointed for a term of 2 years. It is time to appoint representatives to this Board again. Persons wishing to be considered for a Board appointment must submit a letter of intent or interest to the Commission and be available to attend a Commission meeting to be briefly interviewed by the Commission. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to start the process of advertising and accepting letters of interest for 3 Torrance County representatives to the EVSWA Board of Directors. Chairman Sanchez seconds the motion.

Gloria Zamora asks about the criteria for being a representative on this Board.

Ms. Ortiz states that there is not specific criteria that she is aware of. Mr. Miller, EVSWA Manager, comments that he has reviewed the JPA specifically for the purpose of filling Board Member positions. He states that they have 14-15 Board members in total and he agrees that there is no specific criteria listed for these positions. To his knowledge, Torrance County representatives to the Board do not even have to be residents of Torrance County; it is solely the discretion of the County Commission to select their representatives to the EVSWA Board of Directors. After some discussion, it is clarified that there are 3 positions to fill at this time.

Michael Godey, resident, suggests that the Commission select a person from each Commission District to sit on this Board.

Gloria Zamora, Manzano Land Grant resident, is concerned that there is no criteria. People could be appointed who don't have any understanding of our County. This needs to be revisited.

Daniel Antonio Herrera, Manzano Land Grant resident, states that he thinks that this Board has gone out of its way not to include the Land Grants.

Betty Cabber, resident, comments that appointing all 3 positions now is a good idea and she recommends that the Commission attempt to appoint 1 from each Commission District.

The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

The Commission now discusses the administrative specifics of this decision. The Commission agrees to advertise this position for a month. They agree to appoint in March, with the 2 year terms beginning in April. The advertisement for these positions will mention the meeting commitment and the \$30.00 per diem.

Mr. Miller from the EVSWA states that, in the interest of helping with the selection of Board members, he offers his time to any Commissioner that would like to have a brief overview of what they do at the EVSWA, or even an in-depth review of what they do, any time his office is open.

4. Request Permission to Purchase New Tinder- Cheryl Hamm, Fire Ms. Hamm, District 2 Fire Assistant Chief, along with Hanna Sanchez, Fire Department Administrative Assistant, present this item. Madam Commissioner DuCharme asks Ms. Hamm what Fire Chief Trumbull is doing right now that is more important than being here today at the Commission meeting. Ms. Ortiz comments that she did not request that Fire Chief Trumbull be here today. She states that if a Department Head's presence is necessary at a meeting, she usually notifies them. Ms. Hamm answers that Fire Chief Trumbull would have been here today, but he had a previous engagement in Albuquerque that he could not get out of. Madam Commissioner DuCharme states that usually Department heads handle these types of requests and provide the Commission with updates; why doesn't Fire Chief Trumbull do the same? Ms. Ortiz replies that he was scheduled to attend the last Commission meeting, but he was out sick. Ms. Ortiz states that if this is

something that we need to request of all of the Department heads, that they be present for all of their updates, that can be put on the agenda for discussion by the Commission. Commissioner Frost suggest that the Commission go forward and here this agenda item.

Ms. Hamm states that back in August of 2016, they came before the Commission and requested permission to go forward with purchasing a Fire Tender through the HGAC, (Houston-Galveston Area Council) contract, which they were told at the time was acceptable. Shortly thereafter, they were informed that they were going to have an ISO. They wanted to wait to make sure that their ISO did not change and that they would still have enough funding. They found out last week that their ISO stayed the same. Because of State budget cuts, they modified the truck that they wanted to purchase down from a 3000 gallon truck to a 2100 gallon truck reduced the price by \$50,000.00. When they went to submit the paperwork to DFA, they were told that they were not eligible to use the HGAC contract. Ms. Hamm has printed a list of all of the New Mexico entities that utilize the HGAC contract and Torrance County is not on it. The problem now is that the 2100 gallon truck is built. After it is shown at the National Fire Convention either this month or next, it will be put up for sale. We are first in line, but the truck will not be held for us if another entity wants to buy it. We can get delivery on this truck by May. If we have to another truck built, we won't receive it until October or November. If we can't use this HGAC contract, and we have to go out for bid, we are looking at 18-24 months out to get a new tender. The money for the truck comes from State Fire funds. The question to the Commission today is whether or not we can use the HGAC contract. Ms. Sanchez states that she reviewed the August 2016 Commission meeting minutes and the video of the meeting and it was approved, at that time, to go through the HGAC contract. She further states that currently our Fire Department has three vehicles that were purchased on the HGAC contract. There is not a vendor on the State contract that can produce this vehicle.

Ms. Olivas, Purchasing Director, states that the Houston Galveston Purchasing Cooperative is based out of Texas. All of the procurements are done out of Texas, and are based off of Texas law. She states that we do have other cooperative agreements that we are a part of: Cooperative Education Services and the Western States Contracting Alliance, for example. The difference with these is that there is a member of NM Procurement involved. Ms. Olivas states that, back in August of 2016 when this was approved, it was done without her involvement. She states that when she posed her objections to it, she stated that she had never been informed and that she was not ok with it because these decisions ultimately come back on her and it was approved by the Commission anyway.

Ms. Olivas clarifies that she does not want to make it hard for anyone to purchase but we have to obey the procurement code. She states that, unless we become a member entity of the HGAC, which she does not recommend without approval from the State Purchasing office, she highly recommends not using this contract.

Ms. Ortiz comments that we have made previous purchases on this contract and we need to look at all sides of it. She states that we need to look at what is allowable; but, at the end of the day, Ms. Olivas's name is at the bottom of all purchases and she is advising against it. Ms. Hamm states that CES has no apparatus vendors. She states that many NM cities and counties are on the list of entities that use the HGAC. Ms. Olivas states that they have been advised not to use this contract because it is not based in NM. Ms. Ortiz asks if we have had any repercussion from previous purchases buying off of this contract. Ms. Olivas replies that she is not aware of any. Chairman Sanchez asks if there is any further research or investigation that can be done that might shed light on it. Ms. Olivas states that she can contact the State Purchasing office about it again and get something in writing. **ACTION TAKEN:** Chairman Sanchez makes a motion to table this item pending further investigation from Ms. Olivas. Madam Commissioner DuCharme seconds the motion.

Michelle Jones, resident, (myself) states that she believes that the procurement code has to come first and she agrees with the decision to table, just to make sure that we are in compliance.

No further discussion. The Commission votes; all in favor, none opposed. **ITEM TABLED**

5. Request Approval to Submit LDWI Grant Application to NM

DFA/LGD/SPB/LDWI- Tracey Master, DWI Prevention Ms. Master speaks.

This is the local DWI grant application for FY2018. The Commission has already seen and approved the supplementary documentation for this application. The amount that is being requested is \$164,627.00. All documentation hereto attached.

ACTION TAKEN: Chairman Sanchez makes a motion to approve the LDWI Grant application. Madam Commissioner DuCharme seconds the motion.

Commissioner Frost asks how this total amount compares to last year. Ms. Master replies that for FY16 the total amount was \$180,024.00. The application that was presented for FY17 was for \$162,974.00. Commissioner Frosts asks if Ms. Master will be able to continue all of her current programs with the application request

amount. She states yes- that's the plan. Ms. Master has included a brief synopsis of each component of her program along with the application, which is included in the file for this meeting. The Commission votes; all in favor, none opposed.

MOTION CARRIED

6. Professional Services Agreement Torrance County DWI Program Contract FY-2017-DWI-01 Amendment 2- Tracey Master, DWI Prevention Ms. Master speaks. She requests that this item be tabled today as this agreement is still being reviewed by legal. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to table this item. Chairman Sanchez seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **ITEM TABLED**

7. Resolution 2017-04A Budget Increases- Amanda Tenorio, Finance Director Ms. Tenorio speaks. She is requesting approval of Resolution 2017-04A Budget Increases. This is for a budget increase for the Fire Protection fund. This increase is to purchase equipment and services needed for our Fire Departments. Ms. Ortiz clarifies that we received more GRT money that was anticipated and this budget increase will allow us to put those GRT funds into the Fire Department budgets. All documentation hereto attached. **ACTION TAKEN:** Chairman Sanchez makes a motion to approve Resolution 2017-04A Budget Increases. Commissioner Frost seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

8. Resolution 2017-05 Cash Transfers & Line Item Transfers between funds- Amanda Tenorio, Finance Director Ms. Tenorio speaks. She is requesting approval of Resolution 2017-05 Cash transfers & line item transfers between funds. She states that we are transferring \$35,000.00 from the Wind PILT fund to the DWI fund, which was approved by the Commission in January. We are also transferring \$50,000.00 from the General Fund into the EVSWA fund. She states that we created a fund to cover the contract with the EVSWA. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2017-05 Cash Transfers & Line Item Transfers between funds. Chairman Sanchez seconds the motion. Madam Commissioner DuCharme asks for clarification about the EVSWA fund. Ms. Ortiz explains that when the contract with the EVSWA was approved, it was for a set amount that the County would be paying quarterly; \$200,000.00. She explains that anything over the \$200,000.00

that the EVSWA makes is given to the County as a rebate; in the first quarter the County received a rebate of \$13,000.00. In the second quarter, the County will pay for a shortfall the EVSWA will experience. Ms. Ortiz and Ms. Tenorio discussed this and created a line item for the EVSWA to make these transfers easier. The \$50,000.00 will be placed into the line item to cover any future shortfalls. This is a proactive transfer. The second quarter shortfall amount is approximately \$23,000.00. Hopefully the County will receive a rebate again for the 3rd quarter. Rebates will go into this line item. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

9. Resolution 2017-06 Line Item Transfers- Amanda Tenorio, Finance Director Ms. Tenorio speaks. She is requesting approval of Resolution 2017-06 Line item transfers. These line item transfers are all within their budgeted funds. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2017-06 Line Item Transfers. Chairman Sanchez seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

10. Revise Resolution 2017-02 Open Meetings Ms. Ortiz speaks. At the last Commission meeting, the Commission made the decision to not only require that Commission agendas appear on the Torrance County website, but the Commission packets too. Ms. Ortiz revised item #4 on **Resolution 2017-02 Open Meetings** to reflect this change as follows:

4. For the purposes of regular meetings described in paragraph two (2) of this resolution, notice requirements are met if notice of the date, time, place and agenda is placed in newspapers of general circulation in the state and posted in the following locations: Administrative Offices of Torrance County. Copies of the written notice shall also be mailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings. **Agendas, as well as corresponding packets shall be posted on the Torrance County Website.**

All documentation hereto attached. **ACTION TAKEN:** Chairman Sanchez makes a motion to adopt Revised Resolution 2017-02 Open Meetings Act. Madam Commissioner DuCharme seconds the motion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

11. Appointment of Records Custodian Ms. Ortiz speaks. She states that at the last Commission meeting, Madam Commissioner DuCharme put this item on the agenda. She has attempted to research this item and has not found any information about it on any previous agendas. She did hear an opinion from our legal Counsel, Mr. Wallin, and he stated that he feels that the Records Custodian should be in the County Manager's Office. Ms. Kayser, Deputy Clerk, states that Ms. Jaramillo, Clerk, researched the resolutions and the minutes and did not find a resolution of an appointment of a Records Custodian. There was a mention of it in the minutes, but no appointment. Ms. Kayser gives the Commission the following statement from Ms. Jaramillo:

I searched the records for a resolution and found none. Also there was no record in the minutes of a custodian being appointed. I remember it being discussed and the decision left open.

At the last meeting I said that Michelle did not want to work full time as she had made clear to me. But since then she has said that she would be willing to work full time which would give 4 full time employees which is what I asked you to consider at the last meeting.

I do not have the money in my 2016/2017 budget for 4 full time employees. The commission could decide to put that money in my budget now or wait until the next fiscal budget before naming me as Custodian of the Record for Torrance.

I would be willing to be named the Custodian of the Record and with 4 full time employees I believe we would do a good job for the county.

Madam Commissioner DuCharme asks if Ms. Kayser knows how much this change would cost. Ms. Kayser states that they have not figured this out yet. Ms. Ortiz comments that, in talking with others about a Records Custodian, it would not be, in her view, just a person responding to IPRA requests or requests for records. It would also be a Custodian to make sure that retention dates are being held and met throughout the County. She states that she fully believes that this should be a full-time position, but she does not believe it is going to be just IPRA requests; it is going to be a lot more than that. Madam Commissioner DuCharme asks if we already have positions in the Clerk's Office that are responsible for retention of documents. Ms. Kayser replies only for our own office; we don't do anything for the other offices. She states that each of the other offices are in charge of their own destruction of records.

Ms. Kayser states that Ms. Jaramillo wanted the Commission to know that Michelle Jones would not be solely (responsible) for that. Everybody in the office

would be helping with it. It would be 4 full time positions in the Clerk's Office working to do that job.

Ms. Michelle Jones, (myself) comments that she figured out approximately how much it would cost to fund her full-time through the end of the fiscal year; approximately \$5,000.00. Ms. Ortiz states that Ms. Jones would still be doing her current duties in the Clerk's office; working on Commission minutes, helping in the office, and helping with elections. Ms. Jones states that it was her understanding that she would still be covering the Commission meetings, but would definitely have a focus on helping with the Records Custodian duties.

Ms. Tracy Sedillo, states that the State Archives has recently changed their retention schedule and it is extremely complicated. She states that we need a records management policy and somebody who can administrate that throughout all of the offices. She states that if you have a records management policy that is being followed and records are being destroyed in a timely manner according to the destruction and disposition schedule, then you limit your liability. If we had one person who was not only in charge of IPRA, but was in charge of administrating that policy, who could go to the training available from State Archives, then we might have a more uniform procedure in place.

Chairman Sanchez asks about options. He states that one option would be that the County Clerk's Office becomes Records Custodian; another option would be the County Manager's Office. There is discussion about these options and whether the Commission would want to create a whole new full-time position for this and do they want that position to be in the Clerk's office or in the Manager's office.

Commissioner Frost suggests that this item be tabled and that the Department heads, along with Mr. Wallin, get together and discuss this and bring a proposal to the Commission for consideration. **ACTION TAKEN:** Commissioner Frost makes a motion to table this item. Chairman Sanchez seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **ITEM TABLED**

15. Update

Ms. Ortiz states that we had one accident in the Sheriff's Department; it was a very minor injury. She states that we have already had 3 accidents this year and reminds all to please be careful out there.

Ms. Ortiz met with the Home Visiting Program Manager from CYFD, as well as the Home Visiting Director and the report for the last quarter nothing but rave reviews. They are doing a great job and meeting all of their numbers. Good Job!

Madam Commissioner DuCharme asks when the Sheriff's Department will be able to move into their new offices. Ms. Ortiz replies that she does not have a set date yet; she wants to make sure that the phones are installed and working and the internet is working first.

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, speaks. He agrees with the suggestion that the Commission attempt to appoint a representative from each of the three Commission Districts to the EVSWA Board and attempt to have fair representation on all boards.


Madam Commissioner DuCharme asks Mr. Huss if he has any information on the Special Assessment option. Mr. Huss replies that they are still looking into this and he anticipates that they will be able to provide options to the Commission at the next Commission meeting.


***Adjourn**

ACTION TAKEN: Chairman Sanchez makes a motion to adjourn the February 8, 2017 Commission Meeting. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed.

MOTION CARRIED.

Meeting adjourned at 12:54 pm


Chairman Sanchez


Michelle Jones, Admin. Assist. III

2/22/17
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.

