

Final Copy
Torrance County Board of Commissioners
Commission Meeting
February 22, 2017

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

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

Call Meeting to Order:

Chairman Sanchez calls the meeting to order at 9:04 am and calls for a Commission Roll Call. Commission District 1- Present, Commission District 2- Present, Commission District 3- Present. Mr. Tito Chavez, Torrance County resident, leads us in the pledge and Ms. Janice Barela, TC Deputy Treasurer, gives the invocation.

Approval of the Meeting Minutes:

Chairman Sanchez asks for a motion to approve the January 30, 2017 Special Commission Meeting minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the January 30, 2017 Special Commission 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 Minutes:

Chairman Sanchez asks for a motion to approve the February 6, 2017 Special Commission Meeting minutes. **ACTION TAKEN:** Chairman Sanchez makes a motion to approve the February 6, 2017 Special Commission Meeting Minutes. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Minutes:

Chairman Sanchez asks for a motion to approve the February 8, 2017 Commission Meeting minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the February 8, 2017 Regular Commission Meeting Minutes. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Approval of the Meeting Agenda:

Chairman Sanchez asks for a motion to approve today's Meeting Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve today's meeting agenda. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme asks for clarification concerning agenda item #18. **County Manager Appointment.** This item is on the agenda, as well as an Executive Session to discuss limited personnel matters concerning the appointment of a County Manager. She asks how this was intended to work. Chairman Sanchez explains that when they get to agenda item #18, they will go into Executive Session. The Commissioners vote; all in favor, none 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 states that, for clarification and for the record, at the last Commission meeting, the Commissioners approved a consent agenda for \$169,000.00, but ended up signing a consent agenda for \$245,000.00. She asks for an explanation for the record. Ms. Amanda Tenorio, Finance Director, explains that they turned in the invoice listing and the check listing, but there were more invoices that needed to be paid and they failed to print an updated listing. She states that they came up with a solution to keep this from happening in the future. She adds that the check listing is the one that needs to be signed by the Commission. 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

Hanna Sanchez, Fire Department Administrative Assistant, informs the Commission that she just returned from Silver City. They had 5 people go and take the EVOC, (Emergency Vehicle Operators Course). Everyone needs to have 10 hours of driving time before they are allowed to operate an emergency vehicle. Once they get their 10 hours, then they can get their Class E listing on their drivers licenses.

Ms. Sanchez is getting quotes for the District 5 sub-station well, to get it on the ICIP. She received a quote for the actual drilling of the well which was approximately \$7,000.00.

District 4 has been working diligently to get their NFIRS, (National Fire Incident Reporting System) updated so they can get their funding unfrozen. They now have January and February of 2017 entered and they are working their way backwards.

They now have 3 AHA, (American Heart Association) Certified CPR instructors, 7 National Certified Search and Rescue, and 11 State Certified Search and Rescue.

Linda Jaramillo, County Clerk, informs the Commission that she is going to be changing the locations of two polling places in Mountainair. She will be attending the March 1st Mountainair Town Council meeting to ask permission to use the Dr. Saul Community Center as the new polling place for Precinct 9 and Precinct 10. She is moving the Precinct 9 polling place from the Mountainair Catholic Center and the Precinct 10 polling place from the Mountainair High School Gym. She is making these moves now in preparation for October, when the Commission will approve all of the precincts for the County. She presents the Commission with a map showing the old locations and the new location. (A copy of this map is located in the file for this meeting). She informs the Commission that when she moves the polling place for Precinct 10, it will move out of the Precinct 10 boundaries and she will need a court order to make the move. She has done this before and has already discussed this with Mr. Wallin and is very familiar with the procedure.

Lastly, Ms. Jaramillo informs the Commission that she worked with Dr. Saul for many years, until he passed away and moving the polling places to the Dr. Saul Community Center touches her heart. She states that Dr. Saul was a great man; he was not only her boss, he was her mentor and her inspiration.

Betty Cabber, County Assessor, speaks. Ms. Cabber sits on the NMAC Board of Directors and will be giving her update about the NMAC. She informs the Commission that the NMAC Board of Directors had a meeting last Saturday in Santa Fe. The meeting was held in order to review the important legislative bills that the NMAC is closely watching. Ms. Cabber has presented the Commission with a handout listing the bills and giving a brief summary about each. She has also notated on the list which bills the NMAC supports and which bills it opposes. (A copy of this list is included in the file for this meeting.) Ms. Cabber talks specifically about HB490- FUNDS TO COUNTY-SUPPORTED MEDICAID FUND. In summary, this bill would mandate that, in addition to other required contributions, every county must transfer to the County-supported Medicaid Fund in quarterly installments, beginning March 2017, an amount equal to one-sixteenth of the taxable gross receipts reported for the county for the prior fiscal year. Declared an emergency. The NMAC strongly opposed this bill. Ms. Cabber also highlights SB451- EXCLUDES CERTAIN LOCAL GOVERNMENTS FROM HOLD HARMLESS DISTRIBUTION, which the NMAC also opposes. Bills can be researched at www.nmlegis.gov.

Commissioner Frost thanks Ms. Cabber for her update and states that this information is very important. He encourages everyone to study the bills and talk to our legislators.

Madam Commissioner DuCharme comments on the Special Commission meeting that was recently held on February 16th. The meeting was a Public Forum and candidates for the County Manager position interacted with and answered questions from the public. The public also got an opportunity to express their concerns through the written questions that they submitted to the candidates. The candidates were able to show their level of their expertise and ability to communicate with the public. Madam Commissioner DuCharme states that it went very well and she received very good feedback about it from the public. It was a great idea to have this meeting.

Chairman Sanchez reiterates Madam Commissioner DuCharme's comments about the special meeting, stating that it went very well and was very well

attended. The questions were good and it was a very fruitful event. He thanks our County staff for helping to coordinate and facilitate the meeting.

2. Request Permission to Purchase New Tinder- Cheryl Hamm, Fire Ms.

Hamm speaks. This item was brought before the Commission at that last Commission meeting. There was an issue over the HGAC contract, which the truck they want to purchase is under. Ms. Hamm states that she spoke to Ms. Cathy Sanchez at the State Purchasing Office and Ms. Sanchez provided her with 2 statutes that basically state that it is ok to go with this type of vendor as long as our County Attorney approved it. They sent the paperwork over to Mr. Wallin, County Attorney, for review. Ms. Leslie Olivas, Purchasing Director, states that she too tried to contact someone at State Purchasing, but was not successful. However, she contacted her affiliate members and found out that the State just awarded a new contract two weeks ago for fire apparatus, tinders, etc. There are three eligible vendors and Ms. Olivas believes that this would be the best way to go. It's a State purchasing agreement and we are allowed to use it and there is no question about its legality. Chairman Sanchez asks Mr. Wallin for his legal opinion. Mr. Wallin states that several years ago, he was asked to look at the issue of using the HGAC contract for what is called a 'piggy back' purchase under the procurement act. He states that he was convinced at that time that it was legal and the statutes support it. However, it is certainly much cleaner if we have a state contract that we can use. He states that he is comfortable with the legality of using it; whether or not it is the best contract to use or the best practice, he would defer to Ms. Olivas for that absolutely. Ms. Olivas states that, not long after she became the CPO for Torrance County, the State Purchasing Office issued a 'ruling' that stated that unless Torrance County is specifically named as a legal user of the contract in the contractual language, we should not use it. Ms. Ortiz, Interim County Manager, comments that we have made purchases previously through the HGAC and have had no issues with it. She states that if the County proceeds with the HGAC, our Procurement Officer would not be signing any of the paperwork. Ms. Hamm states that if we go with the new state contract, it would most likely cost more and would most definitely take more time. Ms. Hamm states that her Fire District currently has no tinder; they have to rely on mutual aid. Ms. Hamm further states that there is a one page application to become a user on the contract. Chairman Sanchez states that it seems that the next logical step would be to become a user on the contract. Ms. Olivas states that she can look into this.

ACTION TAKEN: Chairman Sanchez makes a motion for the County to submit an application, or follow whatever process is necessary, in order to make it so that the contractual language that is in existence will match purchasing regulations and

procedures as per the County's Purchasing Office. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Betty Cabber, Assessor, asks if a landowner could sue the County if water could not be transported in time for the Fire Department to put out a fire on their property.

Billie Mitchell, resident, expresses her concerns about the time it might take to start the process again of getting a tinder.

Michael Godey, resident, states that perhaps this item should be discussed again at the next meeting.

Michelle Jones, Clerk Admin. Asst. III, (myself), asks for clarification on this item. She asks if this means that once the County is added to the contract, the Fire Department will move forward with the purchase of this tinder on the HGAC contract. Chairman Sanchez states that would probably be the intent.

Cindy Sullivan, Animal Shelter, asks why, if this contract was originally approved in August, are we discussing this now. Why didn't they move forward with this purchase then? Ms. Ortiz replies that Ms. Olivas expressed concerns.

Ms. Ortiz suggests that Ms. Hamm inform all our mutual aid providers that we are down a tinder. She will ask the Fire Chief to do this.

Chairman Sanchez states that, in addition to his motion, he would highly encourage the Manager's Office to work with Purchasing and our Fire Department to make sure and get this issue resolved and get everyone on the same page.

Hanna Sanchez, Fire Department, states that they do have two additional tinders: 3-1 and 3-2. She states that she could get with their Operations Chief and talk about relocating one of them until they get their new one. She will talk to the District 3 Fire Chief as well.

Michael Godey, resident, comments that perhaps it could be added to the motion that once the paperwork is completed, the purchase of the tinder could move forward.

Antonio Elizondo, resident, asks if the County could consider leasing a truck until the new one is ready.

3. Professional Services Agreement Torrance County DWI Program Contract FY-2017-DWI-01 Amendment 2- Tracey Master, DWI Prevention

Ms. Master speaks. This is contract FY2017-DWI-01 Amendment 2. In December of last year, Amendment 1 was done to reflect a reduction in funding and scope of services due to the reduction in funding from the State. After the Commission approved supplemental funding, Amendment 2 was created, which would reinstate the scope of services and increase the monthly reimbursements. Ms. Master explains that she has asked the Commission to table this item twice because there is a compliance issue with the contract. She states that she has been working with Mr. Wallin on this, trying to find the best way to move forward. She states that in the original contract, item #17 under **Scope of Services**, indicated that the contractor would obtain her certified prevention specialist status no later than February 11, 2017. That original contract was signed on February 11, 2015, providing two years to get this accomplished. In September, when it looked like this goal was not going to be reached, there was communication with the contractor about achieving the status of certified prevention intern; one step away from specialist. At this time, certified prevention intern status would suffice, but it has not yet been achieved. Ms. Master states that she needs to get this contractor back to work in the schools. She is requesting that the Commission approve this amendment. Item #17 of the original contract can be revisited at a later date. Ms. Master clarifies that item #17 is not listed on the amendment because it was never amended; it is part of the original contract. Ms. Master also clarifies that the contractor has met all the requirements to be a certified prevention intern, she just does not have her official certification yet. Commissioner Frost comments on the importance of the work in the schools.

ACTION TAKEN: Chairman Sanchez makes a approve Professional Services Agreement Torrance County DWI Program Contract FY-2017-DWI-01 Amendment 2. Commissioner Frost seconds the motion. Madam Commissioner DuCharme asks Ms. Master if the contractor will continue to pursue her certification of prevention specialist. Ms. Master is not sure, but to the best of her knowledge, she is. Madam Commissioner DuCharme states that there should be some type of stipulation in the contract that states that the contractor should follow the contractual responsibilities that she took upon herself. Ms. Master states that she is open to any changes to the contract that the Commission thinks need to be made. Mr. Wallin states that the termination of the original contract is June 30, 2017; the end of the fiscal year. He states that all we are attempting to do is keep this program in place for the next three months. Commissioner Frost calls for the

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

4. Tri-County Juvenile Justice Board Compliance Issues- Jenea Ortiz,

Continuum Coordinator, TCJJB Ms. Ortiz speaks. She states that in October of last year, she discussed compliance issues with the TCJJB. She discovered these issues as she was writing the grant for FY2018. She states that the TCJJB was missing several documents that were required in order to apply for the grant. She worked with Janet Musolf, the Grant manager, and her staff in Santa Fe, to bring us into compliance so we were able to submit the application. However, because of time constraints, she states that their solutions were very basic and there is still a lot of work that needs to be done. She states that after this, she began to look at the contract between Torrance County and CYFD more carefully to make sure she would be prepared for the next fiscal year. Ms. Ortiz presents the Commission with a packet of information, which is included in the file for this meeting. The first page of the packet shows the statute that the grant works under.

Ms. Ortiz has highlighted the portion of the statute which show the six positions that have to exist on the Board:

a representative from local government, a representative from children's court, a district attorney, a public defender, a representative from local law enforcement, and a representative from the local public schools.

The second page of the packet lists the current TCJJB Board Members. The page shows members who are required positions, members who regularly attend the meetings, and members who have not attended a meeting in the year or have only attended once.

Ms. Ortiz states that the Board is currently missing 1 of the 6 required positions; a representative from children's court. She states that in other continuums, this position is filled by a children's court judge. In our case, this would be Judge Murphy or Judge Sweazea. Ms. Ortiz states that she has worked with CYFD and right now, Ms. Shannon Murdock is filling both the position of the District Attorney and children's court on the Board, but this is only temporary. Ms. Ortiz asks the Commission to send a letter to either Judge Murphy or Judge Sweazea asking them to fill this position.

The next item in the packet is a copy of the contract between Torrance County and CYFD. The contract explains that Torrance County is responsible, with the

coordinator, to set up a community advisory board. (Ours is called TCJJB). This Board is responsible for completing 6 items that are listed on the contract. Currently, the Board is only in compliance with the first item. She states that, as the Commission can see, this area requires substantial consideration.

Ms. Ortiz now refers the Commission to page 9 of the contract, the portion of the contract that outlines Duties and Responsibilities. The contract states that Torrance County will ensure that the TCJJB meets all of the goals and objectives and completes activities as specified in the contract and in compliance with all applicable state and federal laws.

Ms. Ortiz now refers the Commission to page 19 of the contract: the Administrative Standards that the Board must comply with in order to be in compliance with this contract. Paragraph 2 states the following:

2. The Board shall ensure that the agency has current by-laws that are filed with the appropriate local, state, federal body or higher education institution. At a minimum, the agency by-laws should include:

- a. Membership (types, qualifications, rights, duties);
- b. Size of Board of Directors;
- c. Method of selection and removal;
- d. Duties and responsibilities of officers;
- e. Committees;
- f. Quorums;
- g. Recording of minutes;
- h. Method of amending by-laws.

Currently, only items b, e, f, and h are a part of the by-laws and all of the items are either mission components or require a more in-depth description of the topic mentioned.

In paragraph 5 minutes are discussed, which is another deficient area.

Ms. Ortiz has included a copy of the current TCJJB by-laws in the packet for Commission review. Ms. Ortiz states that currently the by-laws do not contain a mechanism to remove a Board member and there is no requirement of Board members to attend a certain number of meetings. There are three boards which have different quorums and the by-laws do not clearly mention which quorum should be used if the voting Board is absent or if several of the voting members are

absent. Ms. Ortiz states that there are many issues in the by-laws that must be addressed in short order. She stresses to the Commission that she has been working closely with the State and we are not in danger of losing our funding. However, we are not in compliance and \$91,392.00 could be lost if we are to be audited. This needs to be addressed quickly. She states that their program helps at-risk youth; it helps to divert them and keep them from entering the juvenile justice system. These programs also help youth who are at a high risk of dropping out of school.

Lastly, Ms. Ortiz states that she respectfully requests that each Commissioner exercise leadership and work to inspire this Board to become compliant. She states that she does not need a decision today, but would ask for some guidance by their next TCJJB meeting, which is scheduled for March 28 @ 4:00 pm. Ms. Janet Musolf from CYFD is available to attend the next Commission meeting to answer questions if necessary.

Chairman Sanchez asks why the Commission is being asked to intervene. Ms. Ortiz replies that unfortunately, at this time, she has not been receiving a lot of cooperation from the Board; it just does not seem to be something that they are willing to do. The contract clearly shows that these issues need to be addressed. Ms. Ortiz would like for the Commission to meet the criteria listed on pg. 8 of the contract that states that the Commission forms the basic shape of the Board and assigns the members their duties. The Board would then be forced to meet the obligations of the contract. **ACTION TAKEN:** Chairman Sanchez makes the motion that the County Manager's Office look at this issue and arbitrate between the membership. Chairman Sanchez states that the Commission wants to see the Board come under compliance with its by-laws and pending further arbitration by the Manager's Office; if an agreement cannot be made, then the Commission will entertain any options at that time. An appropriate first step is to allow the County Manager's office to negotiate and speak to the parties involved and try to reach some kind of consensus. Commissioner Frost seconds the motion.

Michael Godey, resident, suggests stricter language be added to the by-laws to make the members more accountable.

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

5. Ratify UNM Medical Director Professional Services Agreement- Hanna Sanchez, Fire Admin. Asst. Robert Sturchio, TC Fire Technical Rescue Coordinator, speaks. He is requesting that the Commission ratify the UNM

Medical Director Professional Services Agreement between Torrance County and the Regents of the University of New Mexico and UNM Medical Group. This is for Medical Director services for the TC Fire Department for the next year. All documentation hereto attached. **ACTION TAKEN:** Chairman Sanchez makes a motion to ratify the UNM Medical Director Professional Services Agreement. Madam Commissioner DuCharme seconds the motion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

6. Resolution 2017-10 Budget Increase – Amanda Tenorio, Finance Director

Ms. Tenorio speaks. She is requesting approval of Resolution 2017-10 Budget Increase. This increase is for the ICE housing at CCA and School Board election reimbursements. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2017-10 Budget Increase. Chairman Sanchez seconds the motion. Madam Commissioner DuCharme asks Ms. Tenorio if the number listed for the budget increase for the ICE housing is correct; it is listed as \$9,000,000.00. Ms. Tenorio states that yes, it is correct. There has been an increase in housing needs for ICE detainees this fiscal year. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

7. Resolution 2017-11 Line Item Transfers- Amanda Tenorio, Finance Director

Ms. Tenorio speaks. She is requesting Commission approval for Resolution 2017-11 Line Item Transfers. These transfers are all within the requesting departments budgeted funds. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2017-11 Line Item Transfers. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

8. Resolution 2017-08 FY 2017/2018 Financial Hardship- Leonard Lujan, Road Superintendent

Mr. Lujan speaks. This is an annual resolution. This resolution will enable the Road Department to go to Santa Fe and participate in the State auction where they can purchase used equipment. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve Resolution 2017-08 FY 2017/2018 Financial Hardship. Chairman Sanchez seconds the motion. Madam Commissioner DuCharme asks about the equipment that was purchased with these funds last year. Mr. Lujan replies that

they purchased a salt truck, a snow plow, and a 2008 4-door Duramax. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

9. Resolution 2017-09 Mileage for County Designated Roadways for Maintenance, Letter & List- Leonard Lujan, Road Superintendent Mr. Lujan speaks. This is the Road Department's miles maintained that they submit to the State every year. The current estimated total miles maintained in Torrance County is 936.697 miles. All documentation hereto attached. **ACTION TAKEN:** Chairman Sanchez makes a motion to approve Resolution 2017-09 Mileage for County Designated Roadways for Maintenance, Letter & List. Commissioner Frost seconds the motion.

Dennis Chavez, resident, asks if any of this funding will be used to repair or maintain his road, Charlie Breckenridge Road. This road runs in Santa Fe and Torrance County. Mr. Lujan replies that he is holding a grader training in May and they will be training on this road. It will be re-graveled in May. Chairman Sanchez recommends that Mr. Chavez talk with the County Manager about this issue. If he still has concerns, he could request to be put on a future Commission agenda.

Billie Mitchell, road A102 resident, states that she is very upset because her County maintained road has not be maintained as often as she thinks it should be. Chairman Sanchez states that Ms. Mitchell's comment is not relative to this agenda item. He asks her to make her comment during the public comment section. He also recommends that she talk with the County Manager and if she still has concerns, she can request to be put on a future Commission agenda.

No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

Jack Bartman, resident, asks for speed bumps on Martinez Road.

16. Tajique Transfer Station Update Regarding Options Ms. Ortiz speaks. She states that she received information about this item. As the Commission will recall, the Tajique Transfer station is currently located on property that the County deeded over to the Tajique Land Grant. Currently, the transfer station sits adjacent to the Tajique Community Center and the new park. The Land Grant is requesting that the County relocate the transfer station. The Manager's Office has been looking at

some options for accomplishing this. The Land Grant has proposed an alternate site for the station. Ms. Ortiz has a rough estimate of how much it would cost to do the fencing and Road Department ground work at the proposed site- \$50,000.00. This estimate does not include the cost of leasing the property from the Land Grant or any cement work that would need to be done. Ms. Ortiz reiterates that the Commission could negotiate a lease with the Land Grant for the property that they are proposing, or negotiate to purchase a different piece of property and then placing the transfer station at either location. There is discussion about options. Chairman Sanchez asks Ms. Ortiz to get costs estimates for an identical location- an identical structured site, and one with added infrastructure. Chairman Sanchez also wants to know what our potential lease costs or land purchases are. Ms. Ortiz states that quite a few landowners have come forward who are very willing to sell or lease their properties. She states that she thinks that the County should purchase property rather than lease. Commissioner Frost asks about the cost of improving the road to the current proposed site.

Michael Godey, resident, states that the length of the proposed road that would need improvement is approximately ¼ mile. Mr. Lujan recommends putting asphalt on the road to the proposed site; he estimates the cost at approximately \$50,000.00.

Ms. Ortiz states that the Land Grant is more than willing to go into negotiations for a lease. Mr. Lujan explains why it is more costly to reuse fence vs purchasing new fence.

Madam Commissioner DuCharme states that the last time this item was discussed, the Commission decided to have a workshop that would include representatives from the EVSWA and residents that live in that area and use that station. She asks what happened to this. Ms. Ortiz replies that she did not realize that it was supposed to be a workshop involving the residents. She states that there was a small workshop that involved representatives from the Land Grant, the EVSWA, the Road Department, one Commissioner and the Interim County Manager. They discussed what the options were and how they were going to move forward. They discussed what it would take to add infrastructure to the property. Madam Commissioner DuCharme states that she does not remember this being the decision of the Commission. She states that she had expressed that she wanted to participate in this workshop also. She further states that she doesn't understand why Torrance County should be involved and have to spend so much money. It is not Torrance County's property any more, it is the property of the Land Grant. She states that she thinks this should be a negotiation between the Land Grant and the EVSWA.

Ms. Ortiz replies that they are trying to keep the communication open with the Land Grant. We are trying to meet the needs of the local residents in the area as well as meet the needs of the Land Grant.

Cindy Sullivan from the Animal Shelter comments on the cost of moving a fence vs building new. She comments that it is very costly and almost impossible to move permanent fencing.

Andrew Gutierrez, Tajique Land Grant Board member, gives some background on the lease. He states that the terms of the lease are not set in stone; it's a place to start. Mr. Gutierrez states that his understanding is that the EVSWA has a contract with the County.

Andy Miller, EVSWA Manager, states that the Tajique station is one of the stations that the County provides to the EVSWA under the contract that they have with the County. The EVSWA runs it. The EVSWA would be more than willing to operate the station in another location, but it is not the Authority's obligation to build the station. They get more than 400 visits per month to this station; it serves a valuable purpose.

Commissioner Frost states that the fact is that there are a lot of people in that area that deserve a place to take their trash. We need to compare our options and take care of our residents.

Andy Miller states that the EVSWA will volunteer their time, effort, and negotiations with the State to get the new location registered. Instead of incurring engineering costs or permit and registration costs, he has volunteered that service to the County.

Madam Commissioner DuCharme asks Mr. Wallin about the legality of our involvement in this situation. Mr. Wallin replies that we are not obligated to provide a station up there, we do it as a public service- just like we do for the rest of the County. The Land Grant has requested that we move it from its current location. What it comes down to is what the most cost effective way of doing that is. Mr. Wallin explains again that the contract involves the County.

Chairman Sanchez gives the County Manager's office direction. He states that he would like to see:

1. The current proposal completed to include asphalt and the concrete work. The current proposal being moving the station from its current location to the proposed Land Grant location. One for proposed infrastructure and one for identical infrastructure. Chairman Sanchez states that he wants to better understand the fencing costs.
2. Complete and similar cost proposals for all of our lease/purchase options that are existing. The same exact cost elements with road options and lease vs buy.
3. A traffic study for the Land Grant proposed location.

Chairman Sanchez asks about the time line needed to get this accomplished. Ms. Ortiz states asks that this item be put on the next agenda and if she is not ready to present her findings, the item can be tabled, but she anticipates that she will have answers. **NO ACTION, INFORMATION ONLY**

15. Appointment of Investment Committee Ms. Ortiz speaks. She states that she did not receive any letters of interest from the public to be on this committee. Ms. Sedillo, Treasurer, states that she did not receive any letters of interest either. She states that she believes that the Commission appointed the committee at the last Commission meeting; we were waiting for public members to come forward. Ms. Sedillo suggests moving forward with the committee and leaving the notice for public members up on the TC website until the positions are filled. Chairman Sanchez states that he would like to set an initial meeting date. Madam Commissioner DuCharme asks if the positions were advertised. Ms. Ortiz replies that they were. Ms. Sedillo reminds all that the Commission appointed the following persons to the Investment Committee:

- Commission Chair
- County Manager
- County Treasurer
- Finance Director
- County Attorney

Ms. Sedillo will contact the committee members to set the date for the first meeting. Ms. Sedillo explains that currently the money that is in investment is from the General fund. There are different funds that are pulled from to invest; it's usually funds that have an adequate balance that can be rotated in and out, but that is for the investment committee to decide. She states that currently we are looking

at long term investment and trying to earmark what we want to put in a long term investment. Commissioner Frost comments that the topic that keeps coming up is about how to handle the wind farm PILT money. Ms. Sedillo comments that some of the PILT money is in investment right now as is some of the Road Department money. Commissioner Frost states that we invest every year in EVEDA and we get a return on our investment from the wind PILT money. He states that he believes that someone from EVEDA should be on this committee. Ms. Sedillo states that if someone from EVEDA is interested, there is still time for them to submit a letter of interest. Madam Commissioner DuCharme states that she thinks having someone from EVEDA on this committee could create a conflict of interest. EVEDA already receives \$25,000.00 a year from the County. Commissioner Frost states that in return the County has already received \$670,000.00 from the latest wind project. Ms. Sedillo reminds the Commission that these committee meetings will be open to the public; they will be advertised on our website and anyone can attend.

Michael Godey, resident, comments that the most important investment is infrastructure, safety, and education. An advocate for these three things should be on the committee.

David Tixier, resident and small business owner, states that he is an advocate for economic development. He is an EVEDA Board member and he believes that someone from EVEDA should be on this committee. He states that he would be excited to be on this Board.

Ms. Sedillo clarifies that this board is not going to decide how money is going to be spent; we are only looking at investing available dollars to get the most return on investment of our money and to make sure that we are compliant with state statute to report back to the Board of Finance.

NO ACTION, INFORMATION ONLY

10. Appointment of Records Custodian – Ms. Ortiz speaks. She states that in the last meeting the Commission requested that the staff hold a department head meeting to discuss this issue. Ms. Ortiz states that they have not had a chance to do this but she has thought about this and suggests having the County Clerk become the Records Custodian. She states that the Clerk has requested that she be named the Records Custodian and she has the mechanism in place if we can add to her budget to allow for Michelle Jones to take over the duties and become a full-time employee. Ms. Ortiz states that in the next Department Head meeting, they could

line out the scope of work of what she needs to do as Records Custodian. Ms. Jaramillo states that she would be the Custodian of the Record and she would be responsible for gathering all the information. She discusses records retention. She asks if she would be held responsible in court if another department does not produce a record that might be in litigation. She states that she does not want to be responsible for other department's lack of keeping their records. Mr. Wallin comments that he has seen in other counties that the Clerk's office is Records Custodian and most times it is the Manager's Office. It can be done either way. He stresses that this is a big job. It is not just responding to IPRA requests. Where this becomes vitally important is responding to discovery in on-going litigation matters where you have to obtain and assimilate records from various departments. He states that part of the problem is that some elected officials are better at providing and maintaining documents than others. He states that from his standpoint, in litigation, when they get a document request they have to respond to it in a timely manner and with all the documentation, not just what you can get in a very short period of time. They have to have all of it, or the courts can find the County or the Records Custodian or someone else in contempt. Ms. Jaramillo states that if we do keep up with retention schedules than it will not be that big of an issue in litigation. She states that, from this point on, if we could work together with all the departments on retention that would help. Ms. Ortiz states that the training for retention is intensive. All documentation hereto attached. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to appoint Torrance County Clerk, Ms. Linda Jaramillo, as Records Custodian. Chairman Sanchez seconds the motion. Ms. Jaramillo clarifies with the Commission that this would start immediately. Commissioner Frost comments that in the future there will be elections and there will be another Clerk. He asks if this responsibility will go to the next Clerk. Ms. Ortiz comments that this decision can be revisited at any time. Madam Commissioner DuCharme states that it is a County Clerks job to work with documents and to retain those documents and she believes that Ms. Jaramillo has all the necessary training and knowledge about how to handle this work. She states that recently Dona Ana County was fined and ruled against in a judgement because they failed to comply with a request for a public record in a timely manner and they were ruled against for approximately \$90,000.00. Ms. Jaramillo asks if Ms. Michelle Jones will now be full-time. Ms. Ortiz replies that this will be discussed at a later time. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

11. Report on Special Assessment Option for Roads in Torrance County- Ms. Ortiz speaks. She presents the Commission with a hand-out from Mr. Wallin, which is included in the file for this meeting and attached below:

Public Improvement Districts: (PID)

1. Statutory Authority: Public Improvement District Act NMSA 1978 §5-11-1 et seq.
2. What is a PID? A financing method for construction or improvement of local public improvements, such as streets, parks, sewers etc. Can be financed by general obligation bonds or a special levy.
3. How formed? Upon application to the County Commission by petition of the owners of at least 25% of the real property within the proposed district. Once a general plan for the PID is filed with the County Clerk, the commission may adopt a resolution declaring its intention to form a PID. There is a public hearing scheduled for input on the proposed district. After the hearing the commission decides whether to form the district based on the needs of the owners, residents of the PID and the citizens of the county. If the commission elects to move forward with the PID, it adopts a resolution that the PID be formed and that an election be held on the question of whether to form the PID. The election includes the owners of real property within the PID and the resident qualified electors (persons who reside within the PID who are otherwise authorized to vote).
4. Governance: Governance of the PID is through a board which can consist of the members of the commission or by a board of five directors appointed by the commission. The PID must approve a study of the feasibility and benefits of any public infrastructure improvement project proposed prior to the approval of such project. These are also subject to a public hearing process.
5. Financing of projects. Projects would be financed through either general obligation bonds or a special levy on the property within the PID. As you know, GO bonds are secured by the county pledging its ad valorem taxes. Issuance of a GO bond or special levy is subject to an election by the owners within the PID and the resident qualified electors. You can have the bond election at the same time as the formation election. The PID board is responsible for imposing and collecting annually on all property within the PID that is subject to levy to satisfy the debt service. The levy constitutes a lien on all taxable property within the PID.
6. Questions for Torrance County's financial advisors and the commission:
 - a. Is there sufficient tax basis within a proposed PID to secure financing for a bond?
 - b. How much would be necessary for any given project? Assuming road projects, what would need to be borrowed (in terms of a bond or levy) to pay the debt service?
 - c. Are owners and qualified voters within the PID willing to pay the increased ad valorem taxes to fund the project?

Mr. Wallin states that there are a few statutes that allow for special districts: one is the Special Assessment District Act and one is the Public Improvement Development Act. He states that the premise behind the PID is that the designated area would finance the improvements to their area via a levy or a General Obligation Bond. In either situation, those would be paid by an assessment of ad

valorem taxes on the property within the district. It is a financing mechanism for specific projects in a specific area and the persons in the area that benefit from it would be responsible for paying for it. The key question in Torrance County is going to be whether or not we have the tax base in any area to be able to support the loan. Mr. Wallin states that both of the statutes are very complex and it would be very hard to put down, in a memorandum form, anything other than the high points. He recommends that we consult with our Bond financial advisor and get his input.

Michael Godey, resident, asks if there would have to be a bond election to use the GO bond option. Mr. Wallin replies yes, there would have to be an election, but the electors would only be the people who would have to pay for it. It would be the owners of property and residents of the area.

Leonard Lujan, Road Superintendent, asks if this would be for private road or just for County maintained roads. Mr. Wallin replies that he believes that it can be for both.

Commissioner Frost asks if this could be used to bring a private road up to County specs so it could be considered to be taken on as a County maintained road. Mr. Wallin replies yes. All documentation hereto attached. **NO ACTION, INFORMATION ONLY**

12. Discussion of Road Department Policy Chairman Sanchez speaks. He states that he placed this item on the agenda because he has been receiving numerous calls for service to our roads. As Commissioner, they cannot force any department to carry out any specific task, it has to stem from policy and the actions of the Board of County Commissioners. Everyone prioritizes their own road and thinks their road needs to be improved. He sees a need to better communicate with the public about how we prioritize our roads, etc.

In doing research, he discovered that other Road Departments and stakeholders will come together on a yearly basis to identify roads that they feel need to be addressed. Roads are itemized with details about the roads and what improvements are planned. No set dates are listed because there are many variables that can impact when a road will be addressed. He wonders if a document can be created that will supplement our Road Policy so that when stakeholders have a request or questions, they can see the plan that is in place. He wants to make sure that the public is as informed as they can be. He knows that the Road Department already

prepares many documents and lists. He suggests setting up an exploratory meeting with the Road Department and the Manager's Office to see what options are available to facilitate this; how we can improve our lines of communication with the public. Madam Commissioner DuCharme comments that she thinks this is a great idea, as does Commissioner Frost. She states that roads are the number one issue with her constituents and usually the feedback from them is not good. She states that she is in full support of having this kind of meeting. Mr. Lujan comments that they have documentation of everything they have done. He states that in the past, he would get a call from a Commissioner and they would take care of the problem. He states that now everything has to be handled in front of the public and that is where they are getting behind; going backwards instead of going forward. He states that this is what is getting them further and further behind. He states that they have any documentation that the Commission needs. Madam Commissioner DuCharme states that she would like to see a report of what the Road Department has done during the previous week and then she can go and check on it. She states that she has requested this before and only received it once and she wants specifics. Mr. Lujan replies that he has been sending reports every week. She states that she wants to know which roads were maintained and what work was done. Commissioner Frost reminds everyone that property taxes do not go towards roads. The Commission asks Ms. Ortiz to schedule a Special meeting so that these issues can be discussed. This meeting will be a discussion between the Commission, the Road Department, and the Interim County Manager; this would not be a meeting for public input.

Tony Zamora, resident, comments that the Road Department and the Sheriff's Office should not be micro-managed. The Commission should give Mr. Lujan his job and let him do it.

Michael Godey, resident, states that you could have public comment at the end of the Special meeting. Some of these comments could be helpful. He thinks the tax code should be changed so the County could get more tax dollar for roads.

Frank Luna, resident, compliments one of the Road crew members for his hard work. He states that in the past there were three districts and a key person for each district. He thinks we should go back to that.

Linda Jaramillo, Clerk and resident, states that we just had an election and one of the bonds that passed was for road improvements. How are we going to use that money? Ms. Ortiz replies that the majority of those funds went to purchase trucks and there is a small balance left in the Road Department fund.

Ms. Ortiz comments that she agrees with the idea of a meeting and suggests that the Commission look at how other counties handle their roads. Ms. Ortiz will coordinate this meeting.

NO ACTION, INFORMATION ONLY

14. EMT Update Ms. Ortiz speaks. This is an update on getting an EMT located in the south side of the County. Mr. Robert Sturchio, Technical Rescue Coordinator, is here to give the update. He states that last year there were approximately 82 calls for EMS in the Torreon area, which came to .2 calls per day. At the last Commission meeting, representatives from Superior Ambulance stated that it would cost approximately \$1.1 million dollars per year to run a unit for 24 hours. Even 12 hour shifts would total approximately \$547,500.00 per year. Moving Superior to that area would not benefit the County.

Chairman Sanchez states that he believes that one of the sticking points for Superior was that there were no OSHA approved locations that could house staff in the southern part of the County. He comments that he was hoping to get an update on what the cost would be to update any one of our stations or all of our stations to get them up to OSHA standards. Ms. Ortiz states that they were discussing trying to get a lot more volunteers up into the Torreon area. Getting those volunteers EMT certified and getting the training out to them. Mr. Sturchio states that there really is no feasibility option of getting Superior stationed out into that area; it is too cost prohibitive.

Mr. Sturchio states that currently Fire District 4 has 12 volunteers. None of them are licensed professionals for EMS, but maybe building this department up with more trained members would help. Mr. Sturchio cautions that he has seen situations where the volunteers drop off once paid staff comes in.

Mr. Sturchio comments that Ms. Augustina Sturchio is working diligently with the UNM EMS academy to find an instructor who is willing to come out here and teach the first responder class. However, it takes 90 days to set up a class and the first responder class is approximately 80 hours long. At this time, there are 4 or 5 members at District 5 that are willing to take the class. Ms. Ortiz comments that Ms. Sturchio informed her that there are several people in the Torreon area that are interested in taking the class as well. Madam Commissioner DuCharme comments that the town of Estancia and Mountainair provide ambulance service. Mr. Sturchio replies that yes they do, but they do intercepts. Mountainair always does intercepts

and Estancia will at times transport all the way to Albuquerque, but not always. Again, these are volunteers.

More volunteers is the suggested strategy. A coordinated strategy is needed between the Torreon Fire Station and the Fire Chiefs to do an outreach and get as many volunteers as possible to take the training. Chairman Sanchez comments on how difficult it can be to get volunteers.

Mr. Sturchio also comments that the problem is not just in Torreon, the whole county needs to be built up. He suggests an on-call stipend if it is a possibility.

Madam Commissioner DuCharme asks if there are any plans for a recruitment campaign that would utilize the radio station, local newspapers, billboards, and local events. Mr. Sturchio replies yes, they are actively working on this. There is concern about how to pay for this.

Chairman Sanchez asks if there is a way to come up with a plan about how to accomplish this and look at all other options. The Manager's Office will spearhead this effort.

There is discussion about the recruitment effort.

Ms. Dorothy Rivera, 911 Dispatch Director, suggests getting a paid medical billing person in the southern part of the County. Then we could get a PRC certified ambulance that can transport with our new volunteers that we will be recruiting.

Mr. Frank Luna, resident, comments on the need to have an EMS person in the southern part of the County. Lack of funding as a reason is not acceptable. The County needs to find the funding to help the residents in this part of the County.

Mr. Tony Zamora, resident, speaks. He has been personally effected by the lack of emergency medical treatment. He states that Mr. Frank Luna is proposing a life line for those in need during a medical emergency. Mr. Zamora presents the Commission with a transcript of some facts, testimony, and suggestions. Mr. Zamora talks about his personal loss and expresses his feelings about this urgent need.

Mr. Guillermo Candelaria, resident, speaks. He lives in the Manzano community and shares his personal experience with EMS in his area. He states that

they took about ½ hour to find his home. This is not acceptable. He suggest the need for a helipad in each town.

Mr. Frank Luna, resident, states that he has been speaking to a man from the FAA about helipads and this person is willing to work with us and states that there is probably some federal dollars to help accomplish this. He states that he is not giving up, and will keep pushing for this.

Commissioner Frost states that this would be a good project for a GO bond. He comments that perhaps the Clerk could research about when we can have another bond election.

NO ACTION, INFORMATION ONLY

13. Request Maintenance for Jemez Road Petition Ms. Ortiz speaks. The Commissioners received a copy of a fax that the Manager's Office received concerning this road. The fax contained a signed petition requesting maintenance of Jemez Road. There are several names on the list. Mr. Leonard Lujan, Road Superintendent, explains the process for accepting a road for County maintenance. The residents must follow County policy.

There is discussion about this road. Chairman Sanchez asks for an approximation of how much it would cost to bring this road up to County specs. Mr. Lujan replies approximately \$100,000.00. Chairman Sanchez states that the residents need to decide how to proceed. Whether they want to all chip in to bring the road up to County specs so it can be considered for County maintenance, or whether they want to discuss the option of a PID, if it is feasible. Mr. Lujan comments that he know that the residents have had material donated, but the road is not ready to take any material. He states that there is really not even a road there. Chairman Sanchez states that, per our policy, the petition is not enough to get the County to take over the road. Other steps and conditions need to be met. He asks if the residents are aware of this. Mr. Lujan states that some of the residents of this road were in attendance when the Road policy was being worked on.

Mr. Frank Lucero, resident, states that he is here today because his son is a resident of Jemez road. This road is in terrible shape and he is here today asking the Commission if anything can be done and what the next step should be for the residents.

Chairman Sanchez reiterates that the next step is in the hands of the residents.

Ms. Ortiz asks Mr. Wallin if the PID would be impacted if any of the homeowners were delinquent on their taxes. Mr. Wallin replies that yes- that would probably come into play. He reiterates that the PID process is very complicated. He states that residents want services, but, many times, are not willing to pay for them. He suggests that the residents create a homeowners association and start assessing for work on the road.

Commissioner Frost states that the residents need to find out who owns the property that the road is on. They also need to know where the water lines and phone lines, etc. are in that area before they start working on it.

Michelle Jones, (myself), states that the covenants for the subdivision need to be looked at and ownership of the property that the road is on needs to be established.

Chairman Sanchez asks if a letter could be written to the authors of the petition stating what their options are and the reasons why the County cannot do this work and what the Road policy is for adopting roads. He asks the Manager's Office to write this letter.

Betty Cabber, Assessor, states that there are 48 parcels on Jemez road that the County is assessing. Not everyone who signed the petition is listed as a property owner in that area. They could be renters or leasers. A PID would involve only property owners.

Nick Sedillo, Risk Management, reiterates what Mr. Wallin said. He states that Roads, Law Enforcement, and Fire Protection have been priorities for years. He states that if people want this service, they need to step up to the plate and start paying for it. He states that he believes that the County has three hold harmless incremental taxes. He lives in the town of Estancia, but states that if he lived out in the County, he would be pulling for those taxes.

Mr. Frank Lucero, resident, wonders if there could be more tax dollars that could go for roads.

Madam Commissioner DuCharme asks when this subdivision was created. Mr. Lujan responds that he thinks it was in the '80s. Madam Commissioner DuCharme states that she doesn't understand what happened and why this road was not accepted by the County. Ms. Jaramillo will research the covenants and the Commission minutes from that time frame about this subdivision for the Commission. Madam Commissioner DuCharme states that she thinks that there

should be some kind of system that will enable her to ask about a road and find out whether or not it is a County maintained road and when this decision was made. Chairman Sanchez asks if there is any way we can cement the facts of this matter in terms of roads we are maintaining and roads we are not maintaining. Are we able to track down a factual basis, chronologically, for what we are doing at the present time? Mr. Lujan states that the residents should be doing the research needed concerning this road. Madam Commissioner DuCharme states that we should have supporting documentation for this issue that is readily available. Ms. Ortiz clarifies that there are 4 roads in this subdivision, (Sunset Acres), that are not County maintained. Madam Commissioner DuCharme states that on a County atlas, it shows that Jemez road is County maintained. Ms. Ortiz states that it has been explained to Madam Commissioner DuCharme that there were several mistakes made on that atlas; that was a human error. The homeowners know that the road is not County maintained. Ms. Jaramillo will investigate this issue for the next meeting.

Steve Guetschow, P&Z, comments that the records that would be needed would be for the Sunset Acres subdivision. Those documents would include the minutes from the Commission meeting, the P&Z Board meeting, the disclosure statements, and any covenants associated with the subdivision which would include proposals for road maintenance.

Madam Commissioner DuCharme asks Ms. Ortiz to work on a system that will enable a person to look up a road and find out if it is County maintained or not, when the decision was made, and who made it- going forward. Mr. Wallin suggests that the Manager's office look into software that might easily enable this.
NO ACTION, INFORMATION ONLY

17. MR COG Appointment Madam Commissioner DuCharme states that there was contention about the last appointment. She states that she believes that the appointment was not done correctly. She states that if you look at the MRCOG by-laws, it states that there should be a representative from the County and an alternate. It is up to the body of MRCOG representatives to elect people to the MRCOG Executive Board. The County Commission doesn't have the authority to put a person on the Executive Board. She states that when the previous Commission did these appointments two years ago, a mistake was made. The Commission appointed one person to the MRCOG Board and one person to the MRCOG Executive Board. She states that the MRCOG just accommodated this.

Chairman Sanchez asks Ms. Ortiz to get clarification about whether this Commission needs to make an appointment to this board. Ms. Ortiz will research this. Madam Commissioner DuCharme states that she has an official email from our previous County Manager stating that one person from the County should be appointed to that board and one person should be appointed as an alternate. Ms. Ortiz asks what the current appointments are right now. Madam Commissioner DuCharme states that she is currently on the main board and previous Commissioner LeRoy Candelaria was appointed to the Executive Board. Madam Commissioner DuCharme states that she would like to stay on this board and we need to appoint an alternate. Ms. Ortiz will get clarification for the Commission.
NO ACTION, INFORMATION ONLY

18. County Manager Appointment

At this time, the Commission decides to go into Executive Session-

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 10-15-1, the Following Matters Will Be Discussed in Closed Session:**

- a) Limited Personnel Matters: Pursuant to Section 10-15-1(H)(2), consider appointing a County Manager.**

Madam Commissioner DuCharme seconds the motion. Roll Call Vote: District 1 Yes, District 2 Yes, District 3 Yes. **MOTION CARRIED.**

Executive session starts at 2:23pm.

***Reconvene from Executive Session**

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

Regular Session reconvened at 3:17 pm.

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:

b) Consider and Act upon, if appropriate, Limited Personnel Matters regarding appointment of County Manager

Chairman Sanchez states that the Commission has agreed to schedule a special meeting for Wednesday, March 1 @ 2:00 pm in order to discuss this matter further. They will hold an executive session in order to discuss this item. **ACTION TAKEN:** Chairman Sanchez makes a motion to table this item, agenda item #18. Madam Commissioner DuCharme seconds the motion. The Commission votes; all in favor, none opposed. **ITEM TABLED.**

19. Request Funding to Cover Unbudgeted Tipping Fees Ms. Ortiz speaks. She states that this item concerns the tipping fees from the County to the EVSWA. She states that our contract requires that we pay the tipping fees. It is her understanding that there was discussion about a possible MOU and about the County applying for a CDBG grant to pay these fees. However, there is nothing in writing concerning this. Ms. Ortiz has spoken to Ms. Tenorio about this and the County did not budget for these fees. As it stands right now, the amount of the tipping fees due is \$65,456.00. Today, Ms. Ortiz is asking the Commission to consider allocating \$130,000.00 to cover these fees through the end of the fiscal year. All documentation hereto attached. **ACTION TAKEN:** Chairman Sanchez makes a motion to table this item. Madam Commissioner DuCharme seconds the motion.

Andy Miller, EVSWA Manager, offers his assistance in answering any questions the Commission may have for him about this issue.

Commissioner Frost asks Mr. Miller about this issue. Mr. Miller answers that the EVSWA Board is pressuring him to get this debt collected. He states that Torrance County is in arrears more than any of their other clients. Madam Commissioner DuCharme states that the County does not have any agreement to pay these fees. Mr. Miller states that all customers that come in to the land fill cross the scale, and all customers that cross the scale pay the tipping fees. Mr. Miller states that the County contract specifically does not cover the land fill tipping fees; they are paid by all of his customers and all of the EVSWA member entities and all of the municipalities. No further discussion. The Commission votes; two in favor, Commissioner Frost is opposed. **ITEM TABLED**

20. Update

Ms. Ortiz informs the Commission that she was contacted by the D.A.s office; they are looking for some storage space. She states that she believes we may be able to meet their needs, but they are creating a bit of a safety issue within the building and she is working on it. Ms. Ortiz further states that she has been working through a couple of very large personnel matters and assumes that they will be resolved quickly. Lastly, Ms. Ortiz comments that Mr. Martin Lucero, the new Emergency Manager, has been working very hard to gain knowledge and move forward in his new position.

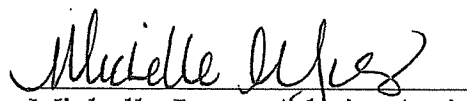
Madam Commissioner DuCharme states that she had asked Ms. Ortiz for an update about the Sheriff's Office move to the Judicial Complex. Ms. Ortiz states that she does not have an answer about this yet. She states that they are waiting for both the internet and the phones to be hooked up and ready to go. She states that she spoke directly to the Sheriff today and he understands the situation and is fine with waiting to move in until everything is completely set up and ready to go. Ms. Ortiz states that she is working diligently with Ambitions and will get with Plateau and get them moved in as soon as possible. Madam Commissioner DuCharme states that she is not satisfied with this answer. She states that they toured the facility two months ago and she doesn't think that it's reasonable that it has been two months and they still don't have a phone connection or internet connection there.

*Adjourn

ACTION TAKEN: Chairman Sanchez makes a motion to adjourn the February 22, 2017 Commission Meeting. Commissioner Frost seconds the motion. No further discussion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

Meeting adjourned at 3:32 pm


Chairman Sanchez


Michelle Jones, Admin. Assist. III

3/8/17
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.

