

Final Copy
Torrance County Board of Commissioners
Commission Meeting
April 12, 2017

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

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

Call Meeting to Order:

Chairman Sanchez calls the meeting to order at 9:00 am and calls for a Commission Roll Call. Commission District 1- Present, Commission District 2- Present, Commission District 3- Present. Mrs. Chavez, resident, leads us in the pledge and Ms. Michelle Jones, resident, (myself), gives the invocation.

Approval of the Meeting Minutes:

Chairman Sanchez asks for a motion to approve the March 10, 2017 Special Commission Meeting minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the March 10, 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 March 13, 2017 Special Commission Meeting minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the March 13, 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 March 20, 2017 Special Commission Meeting minutes. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve the March 20, 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 March 22, 2017 Regular Commission Meeting minutes. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the March 22, 2017 Regular 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 Agenda:

Chairman Sanchez asks for a motion to approve today's Meeting Agenda. **ACTION TAKEN:** Madam Commissioner DuCharme makes a motion to approve today's meeting agenda. Chairman Sanchez seconds the motion. No further discussion. 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. Madam Commissioner DuCharme seconds the motion. Madam Commissioner DuCharme asks about invoice #24417 and #34417, totaling \$400.67, payable to Qwest Corporation. She asks if we do business with Qwest or Century Link. Ms. Olivas, Purchasing Director, clarifies that Qwest is Century Link; they are the same. Madam Commissioner DuCharme now asks about invoice #233017 in the

amount of \$5,022.23, payable to Ambitions Technology Group and invoice #132317 in the amount of \$6,363.63, also payable to Ambitions. She asks if we are paying them for different months. Ms. Ortiz replies that she is not sure what months these payments are for, but she will look into this. Madam Commissioner DuCharme comments that the months being paid should be listed on the description for the invoice item on the consent agenda. Madam Commissioner DuCharme asks about invoice #2132317 in the amount of \$3,500.00, payable to Village of Melrose for an 80s model brush truck complete with all equipment, etc. Ms. Olivas states that they were unsure of the year, but the truck is a 1980s model and is in good working condition and was needed. Madam Commissioner DuCharme comments that the Fire Department already has a brush truck and asks why a second one was purchased. Ms. Olivas states that this question should be directed to either Ms. Hanna Sanchez, Fire Admin., or Fire Chief Trumbull. Madam Commissioner DuCharme asks about invoice #332717 in the amount of \$12,452.75 payable to the US Postmaster for postage for the mailing of the 2017 notices of value. She asks if this payment will come from the General Fund. Ms. Olivas replies yes, this expense is budgeted for each year. 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

***Public Hearing:** Torrance County Commission will hold a Public Hearing to consider the application for a Special Use change in zoning to allow Affordable Solar, Inc. to develop a 2Mw solar array facility. The property is described as “Tract B-R, lands of James Greig III”, and is located within the E2 of the NW4 of Section 1, Township 5 North, Range 8East, NMPM being on the west side of State Hwy. 41 at the intersection of Myers road.

- a) Special Use Change to Zoning

Mr. Steve Guetschow, Planning and Zoning Director, begins today’s Public Hearing by listing the exhibits that have been presented to the Commission for this hearing as follows:

AFFORDABLE SOLAR, LLC
Application for Special Use-Change in Zoning

List of Exhibits

Exhibit 1: Original Application package received February 21, 2017 via FedEx.

Exhibit 2: Public notice signs posted at site and ad proof of newspaper advertisement. Public notice letters sent to adjoining property owners March 13, 2017, & mailing list.

Exhibit 3: Draft Minutes from the March 1, 2017 Planning & Zoning Board.

Exhibit 4: Letter of acknowledgement from Aura-Moon Greig, property owner, received March 31, 2017.

Exhibit 5: Written comment from the Town of Estancia Planning Commission.

Mr. Guetschow states that when the applicant came before the P&Z Board, the Board voted 5-1 in favor of a Do-Pass recommendation.

The applicant, Mr. Wayne Stansfield with Affordable Solar, speaks. He thanks Torrance County and the Commission for their time and consideration today. He states that they are excited to request a Special Use Permit from a D-1 zone on approximately 28 acres located at 49 Hwy 41 in Estancia. They plan to build a solar facility there in partnership with Central New Mexico Electric Coop. This facility will provide low cost, clean, affordable energy for the Coop, and by extension, the members at-large. This will provide a fuel cost savings to the Coop, minimize the carbon footprint for the State and help to diversify the Coop's energy portfolio. He states that this will help reduce reliance on out-of-state fuel sources and anticipates that, in the first year, the facility will provide approximately 5+ million kilowatt hours of energy; the equivalent of powering 450 homes for the same time frame.

Mr. Stansfield states that Affordable Solar is a local New Mexico incorporated company. They started their company in 1998 and employ over 100 New Mexico residents. They are continuing to grow their portfolio and are reaching beyond the State in an effort to garner additional work.

Mr. Stansfield states that if the Commission approves this Special Use Zone change, the next step will be additional studies of the site and impact studies of the distribution system.

Commissioner Frost ask about Affordable Solar's other locations. Mr. Stansfield states that they work closely with PNM and have recently completed two 10 Mw projects for them. He states that they were recently awarded the Facebook Data Center solar project; this will be a 30 Mw AC project. They have done projects for Silver City and Lordsburg and are currently developing the Albuquerque Water Authority project. They do everything from parts distribution to design work and more.

Commissioner Frost asks if this project will produce any permanent jobs. Mr. Stansfield replies they are based in Albuquerque and much of what they perform is self-performance, however, they do out-source a small amount of specialty work. They typically try to employ temporary labor from their project areas. Considering the close proximity to Albuquerque, most of the labor force would be coming from there.

The project will take approximately 3-4 months to complete. They anticipate an early 2018 turn on.

Madam Commissioner DuCharme asks how far from the highway they will locate the project. Mr. Stansfield replies that the land is adjacent to the highway. With easements and set-backs, it will probably be located about 50-60 feet from the highway at its closest point. Some of this is intentional so that they can continue to show support for renewable energy for the Coop and for the State. Madam Commissioner DuCharme asks how many solar panels they expect to have there. Mr. Stansfield replies they will use approximately 7,000 panels for this project. Madam Commissioner DuCharme asks Mr. Stansfield if they have any studies that show that it is safe to have those panels so close to the highway; there is concern about the possible reflective glare. Mr. Stansfield comments that the solar panels are designed to be absorptive and non-reflective. He states that there is some reflection and he does not have any studies to site, but they do not foresee an issue with this. Madam Commissioner DuCharme states that she knows that the panels will be raised above the ground and asks if there will be any possible risk to birds. Mr. Stansfield clarifies that the panels will only be raised, on average, approximately 3-4 feet from the ground and 9 feet at its highest point, so they don't see an issue for birds. He adds that there would still be ground cover under the panels. Madam Commissioner DuCharme asks Mr. Stansfield to read a portion of the company's introduction letter; he reads the following:

We believe in providing excellent value, sustainability, and profitability. We appreciate and are appreciated by our customers. We are committed to leaving a legacy by seeking the highest good in all aspects of our business. Our vision is to be a trusted resource in clean energy while also being a smart & healthy place to work and grow.

We value the following traits in our employees:

Integrity: We do what we say we are going to do

Curiosity: We are always seeking wisdom

Levity: We enjoy each other's company

Integrity: We strive to be impeccable in all our relationships

Persistence: We are always striving to be our best

At this time, Chairman Sanchez asks for Public Comment concerning this application.

Ms. Linda Jaramillo, County Clerk and resident, states that she is in favor of this application and asks if this project will eventually lower our electric bills.

Mr. Michael Godey, resident, also asks if this will eventually lower the bills of the residents of the County.

Mr. Matthew Collins, CNMEC CEO speaks. He comments that there is always the possibility that the energy bills will lower. He states that the contract that they have with Affordable Solar will allow CNMEC to purchase energy at a lower price than what they are paying, so the potential of lowering energy bills is there. He states that he cannot make any promises, but that is the idea and intent of buying energy from an alternative source that's going to be cheaper. Commissioner Frost asks Mr. Collins if he knows what percentage of their power will come from this project. Mr. Collins replies that CNMEC uses a total 40 Mw. The project is approximately 2Mw. He comments that it is a small footprint, but a footprint none the less. Mr. Collins comments that the relationship with Affordable has been very good so far and they are eager to continue working with them.

Madam Commissioner DuCharme asks if this project will generate any gross receipts taxes and if they will stay here in Torrance. Ms. Garland, County Manager, comments that there will probably not be any GRT from this project. Mr. Stansfield concurs, stating that GRT will not come into play here. There will be some benefit to the County by way of business/personal property taxes.

Ms. Karen Lucero, resident, states that she is in favor of this project and asks if there is a buy-back program for energy that we don't use that is over and above personal consumption. Mr. Collins states that there is no buy-back program with

this particular project. He states that a buy-back usually occurs when a person buys solar panels for their own residence, for example, and sells their own excess generated energy. Ms. Lucero asks if there are any funds from the capital credit allocation, that we residents are paying into right now, that are going towards upgrading this solar project. Mr. Collins replies no; capital credit funds are not being utilized in any way at this time.

Mr. Johnny Romero, resident, states that he is in favor of this project, but he is concerned that there will not be enough of an attempt to use local workers or other local resources for this project. He strongly encourages Affordable Solar to make every attempt to use local resources. Mr. Stansfield states that he appreciates Mr. Romero's comments and concerns, and they will make every reasonable effort. He clarifies that they cannot promise anything as they are located in Albuquerque, but they will try.

Mr. Wilford Lucero, resident, states that he is in favor of this project. He states that he and his wife live directly across the street from the proposed project site and they are requesting that a privacy fence be installed so they don't have to view the site from their home. Mr. Stansfield states that they will install an 8 ft. security fence and, if desired, they can install privacy shields. They prefer, however, the visibility which can help promote renewable energy.

Madam Commissioner DuCharme asks Mr. Steve Guetschow about the list of residents he provided to the Commission. Mr. Guetschow clarifies that this is the mailing list of adjoining property owners who received notice of today's public hearing. Any written responses from these property owners have been provided to the Commission. Mr. Wilford Lucero and Ms. Karen Lucero, who spoke earlier, are also adjoining property owners.

The property involved is located in Torrance County. It went through a review with the Town of Estancia because it is extra territorial property.

Chairman Sanchez asks if the Commission can stipulate the desire for a privacy fence in their motion to approve this Special Use. Mr. Wallin replies yes; the Commission can place conditions on the permit for the construction of this facility. Chairman Sanchez asks what has been customary in terms of placing any conditions regarding workforce or local contractors. Mr. Wallin replies that the Commission cannot dictate that, but they can make the statement that they would encourage the developer to use local workers and suppliers to the extent possible.

The Commission agrees that a privacy fence facing Hwy 41 would be desired.

Ms. Billie Mitchell, resident, asks if this project would include any kind of bid process for services. Mr. Stansfield reiterates that they are mostly self-performing. They do not foresee the need for any kind of bid process. They will do their best to try to hire local where possible.

Ms. Michelle Jones, resident, (myself) comments that she is in favor of this project and believes that a privacy fence will not only make Affordable Solar a good neighbor to the adjacent residents, but could also cut back on any possible glare issue that could arise from the project.

Ms. Myra Pancrazio, from EVEDA, comments that Affordable Solar builds their own projects so there is not a lot of outsourcing. She states that companies like Affordable are always provided with a list of local contractors and businesses that they may be able to use. She also comments that, for the first time in 20 years, our Coop is going to be able to buy this solar energy because the price is so good.

Ms. Garland asks Mr. Stansfield about the cleaning of the panels. As water is a very important resource for our County, she asks him what water they will use for their cleaning process. He states that rain is their best cleaning agent. He states that they do not typically go out there and broadly clean. He states that the degradation factor is very small. If they needed to clean, they would truck the water in.

Madam Commissioner DuCharme tells Mr. Stansfield that economic development is discussed at almost every Commission meeting and here is Affordable Solar and we are having difficulty expressing our excitement- but we are excited! We are just doing our due-diligence. Mr. Stansfield states that he appreciates that; he comments that this will be a 25 year commitment with a solidified cost rate for the next 25 years- the economic value to the Coop will be substantial.

ACTION TAKEN: Commissioner Frost makes a motion to approve the Special Use change, contingent upon the installation of a privacy fence, as desired and presented. Chairman Sanchez seconds the motion. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

This concludes the Public Hearing.

***Department Requests/Reports:**

(Public Comment, each item: At the Discretion of the Commission Chair. Comments are limited to one (1) minute per person.)

1. Updates

Steve Guetschow, Planning and Zoning Director, informs the Commission that at the April 5th P&Z Board meeting, Pacific Wind submitted their application for Special Use change to zoning for their La Joya and Lucia projects that are basically additions to the existing El Cabo Wind Project. In a unanimous motion, the P&Z Board made a Do-Pass recommendation. Mr. Guetschow has scheduled a Public Hearing on this matter for May 10th. Public notice has been posted in the newspaper.

Linda Jaramillo, County Clerk, gives the Commission an update on her duties as Records Custodian. She states that everyone has been very cooperative in getting her the information she needs to complete her requests. She asks the Commission to consider lowering the price of what we charge for copies; we currently charge \$1.00 per page.

Ms. Jaramillo informs the Commission that she has exposed wiring coming down from her office that has been there for about a year. She states that she has asked Ambitions several times to get her a cabinet to cover the wires and nothing has been done. She asks the Commission for their assistance in getting Ambitions to complete the process of getting a cabinet to cover these wires. Chairman Sanchez asks Ms. Garland to assist with this. Ms. Jaramillo will send Ms. Garland an email about this issue.

Betty Cabber, County Assessor, informs all that her office mailed out Notices of Value on April 1st. Property owners have until May 1st to protest their property values. Property owners with questions are welcome to call her office @ 505-544-4300. She informs the Commission that 597 notices had to be resent because all the eligible exemptions were not correctly listed; the printer paid the expense of resending the corrected notices.

Ms. Cabber reads House Memorial 60 into the record. The Memorial proclaims February 22, 2016 to be “Colonias Day” requesting the Governor and her cabinet to assist local efforts to improve the quality of life in New Mexico by adding rural communities and colonias to the state’s priority action list of programs:

1 A MEMORIAL

2 PROCLAIMING FEBRUARY 22, 2017 TO BE "COLONIAS DAY" IN THE
3 HOUSE OF REPRESENTATIVES AND REQUESTING THE GOVERNOR AND HER
4 CABINET TO ASSIST LOCAL EFFORTS TO IMPROVE THE QUALITY OF
5 LIFE IN NEW MEXICO BY ADDING RURAL COMMUNITIES AND COLONIAS
6 TO THE STATE'S PRIORITY ACTION LIST OF PROGRAMS.

7
8 WHEREAS, residents of rural and colonias communities
9 statewide face harsh challenges on a daily basis, but they
10 are proud people who are reluctant to ask for help; and

11 WHEREAS, individual counties continue to undertake
12 independent and ambitious infrastructure improvement plans
13 designed to enhance social and economic development
14 opportunities for all residents of New Mexico; and

15 WHEREAS, by initiating a statewide improvement program
16 for rural and colonias communities, the state could partner
17 with the thirty-three counties to empower these small
18 communities and dramatically improve the quality of life in
19 them, while simultaneously creating new entrepreneurial zones
20 that will complement existing projects in incorporated
21 municipalities;

22 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
23 REPRESENTATIVES OF THE STATE OF NEW MEXICO that February 22,
24 2017 be recognized as "Colonias Day" in the house of
25 representatives; and

HM 60
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1 BE IT FURTHER RESOLVED that Governor Martinez and her
2 cabinet be requested to work with the board of directors of
3 the New Mexico association of counties to assist local
4 efforts to improve the quality of life in the state and to
5 add improvements for rural communities and colonias to the
6 state's priority action list of programs for legislative
7 funding; and

8 BE IT FURTHER RESOLVED that copies of this memorial be
9 transmitted to the governor and to the board of directors of
10 the New Mexico association of counties.
11
12

HM 60
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Ms. Cabber states that hopefully this will have some impact. She states that this is why it is so important that Torrance belong to the Association of Counties. She states that we should all be very active in our affiliates at the Association of Counties and on any committees. She states that any elected official can submit a request to the President of the Association of Counties to be on a committee. The Association will have a new President after the June conference. She states that we need to make our voices heard, not only as members of Torrance County Government offices, but as a community. We as residents need to be active in the Legislative process; it is imperative. We need to be heard in Santa Fe.

Linda Jaramillo, County Clerk, reminds all of our elected officials that we are having an election to be on the Board of Directors for the NM Association of Counties and today is the deadline for candidate submissions.

Steve Guetschow, Planning and Zoning Director, informs the Commission that he recently attended a meeting with the extended cooperating committee for the landscape team with the Forest Service. They have not made any new progress with the document that they are working on.

Commissioner Frost states that he recently attended EVEDA's annual meeting in Edgewood. The meeting included a speaker who talked about our wind farm projects. The meeting was well attended and well received.

Madam Commissioner DuCharme welcomes Ms. Belinda Garland, new County Manager, to her first Commission meeting.

Chairman Sanchez states that he has continued to attend meetings and broaden his perspective on many current and upcoming issues.

At this time, Chairman Sanchez requests that the Commission move agenda item #16 to be heard next.

16. EVSWA Board Appointments Ms. Garland speaks. This item concerns appoints of three Torrance County representatives to the Estancia Valley Solid Waste Authority Board. She states that there was an advertisement placed asking for letters of interest. Ms. Garland reads the advertisement into the record:

The Torrance County Board of Commissioners is looking for three (3) board members to represent the County on the Estancia Valley Solid Waste Board. Interested parties should submit a letter of interest to the County Manager's Office no later than 5 P.M. on March 29, 2017. Applicants should expect to attend the County Commission meeting on April 12, 2017 at 9:00 A.M. for a brief interview and possible appointment. Letters of interest can be mailed to PO Box 48, Estancia NM 87016, emailed to aortiz@tcnm.us or faxed to (505) 384-5294. Should you have additional questions, please contact the County Manager's office at (505) 544-4700.

Ms. Garland states that the County received 7 letters of interest from the following persons:

- Mr. Marco Banales
- Mr. Leonard Lujan
- Mr. Bill Williams
- Mr. Manuel Romero
- Ms. Billie Mitchell
- Ms. Cindy Hollenberg
- Mr. Wilson Brent Myrick

Madam Commissioner DuCharme comments that she does not see one of the candidates in the audience. She wonders if he is not present yet because the item was listed towards the end of the agenda. She wonders how to approach this fairly. The Manager's office Administrative Assistant will attempt to call this candidate. The Commission decides to proceed and interview the candidates who are present.

Individually, Mr. Marco Banales, Mr. Leonard Lujan, Mr. Bill Williams, and Ms. Billie Mitchell come to the podium, introduce themselves and give a brief description of their background and qualifications.

The Commission is informed that Mr. Manuel Romero has withdrawn his letter of interest and Ms. Cindy Hollenberg is not present at today's meeting as requested in the advertisement.

Each candidate answers questions from the Commission and the public (if any). Each candidate is uniquely qualified for these positions and each candidate is thanked for their time and their desire to serve. Mr. Wilson “Brent” Myrick was present earlier in the meeting and is currently absent. The Commission decides to move on to the next agenda item and will revisit this item later in the meeting.

NO ACTION, INFORMATION ONLY.

2. Ratification of Amendment Request and Contract Amendment between Torrance County and NM Environment Dept. – Dan DeCosta, Code Enforcement

Mr. DeCosta speaks. This is a request for a ratification of a contract amendment. The Commission approved this contract some time ago. They had some money left over on this contract so Mr. DeCosta identified some new dump sites to clean up as listed below:

1. Torrance County Park Rd
2. “County Roads Lots I,H,G, and F”
3. Estancia Ranchettes Lots 1 & 15
4. Lot A, Tract C, Blk 20 Bella Vista Estates
5. Lot 15 Snow Drift Rd.
6. 34°30’ 48.6” N 106°14’41.6”W
7. Ranchettes on Whimper Lane off of Pecos Rd East, 34°58’3.96”N
105°52’56.4”W

He provides the Commission with a copy of the contract amendment.

All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to ratify the amendment request and contract amendment between Torrance County and NM Environment Department. Chairman Sanchez seconds the motion. Madam Commissioner DuCharme asks if there is a process for people from the community to request the clean-up of a property that they see has an excessive amount of garbage. Mr. DeCosta replies that he keeps all the records of all the properties. He is typically the person who decides what they are going to do. There are limitations on what they can do. Persons can contract Code Enforcement with concerns about illegal dumping. Mr. DeCosta states that when they clean up a property, they give the owner the opportunity to do the labor. If they don’t do it, Commission approved resolutions give Code Enforcement the authority to go into the property and do it and then bill the owners for the labor. About 50% of the time, they pay us. The money that we are paid goes into our clean-up fund. The Commissioners vote; all in favor, none opposed. **MOTION CARRIED.**

3. Fire Protection Fund Application- Hanna Sanchez, Fire Administrative Assistant Ms. Sanchez speaks. Today, she is seeking approval of the annual Fire Protection Fund Application. The application provides a complete overview of each department's ISO classification and number of certified stations funded. (A copy of the application is included in the file for this meeting.) The application includes the budgets for the Fire Admin. and Fire Districts 1-6. The FY18 budget numbers were given to them from the State Fire Marshalls Office. They will receive these payments quarterly with the first payment scheduled for October. Each department's application includes its current fund balance as well as a projected rollover amount. The projected rollover amounts are as listed below:

- Fire Admin. - \$469.00
- Dist. 1 - \$55,157.00
- Dist. 2 - \$24,995.00
- Dist. 3 - \$55,563.78
- Dist. 4 - \$16,090.00
- Dist. 5 - \$18,025.00
- Dist. 6 - \$14,907.00

All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Fire Protection Fund Application. Chairman Sanchez seconds the motion. Madam Commissioner DuCharme asks why the sub-stations are not listed on the application. Ms. Sanchez clarifies that this is how the application is set up. The State Fire Marshall's Office is aware of our sub-stations, but for the purpose of this application they are not listed. Fire Protection funds are allotted by district. The Commissioners vote; all in favor, none opposed.

MOTION CARRIED.

4. Request FY2018 Funding for EMS Fund Act Grant Requirement Ms.

Augustine Sturchio speaks. She states that in November of 2016, she presented a grant to the Commission and requested permission to submit it to the EMS Fund Act for a new rescue vehicle for Fire District 5. She has been in contact with the State and it appears that we are a very high priority to receive this funding. She is here today to remind the Commission that our obligation to receive this grant is 25% of the total amount, which will be approximately \$40,000.00-\$45,000.00. The grant will be announced on April 26th at the EMS Region 3 conference in Ruidoso. Madam Commissioner DuCharme asks how soon the funds will need to be

available. Ms. Sturchio replies that she believes the funds will need to be available in October, when the new rescue is received. Ms. Garland requests more information from Ms. Sturchio and states that she will work to put this in the proposal for FY18. All documentation hereto attached. **ACTION TAKEN:** Chairman Sanchez makes a motion to table this item pending more research. Madam Commissioner DuCharme seconds the motion. The Commissioners vote; all in favor, none opposed. **ITEM TABLED.**

5. Award IFB 2017-04 HFE 100P Oil- Leslie Olivas, Purchasing Director Ms. Olivas speaks. She has presented the Commission with the bid tabulation sheet for IFB 2017-04 for high float emulsion oil for the Road Department. She states that at the time of deadline, they had received two responsive bids: one from Holly Frontier Refining & Marketing LLC and GM Emulsion LLC. The Holly Frontier bid totals \$164,781.12 and the GM Emulsions bid totals \$290,970.00. Ms. Olivas states that our recommendation is to award the bid to Holly Frontier Refining & Marketing LLC. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to award IFB 2017-04 HFE 100P Oil to Holly Frontier Refining & Marketing LLC. Madam Commissioner DuCharme seconds the motion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

6. Award IFB 2017-05 STA Base Course – Leslie Olivas, Purchasing Director Ms. Olivas speaks. This is a bid for 3500 tons of STA chips for the Road Department. At the time of deadline, they had received one responsive bid from Moriarty Concrete Products for a total of \$63,000.00. She recommends that the Commission award this to Moriarty Concrete Products. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to award IFB 2017-05 STA Base Course to Moriarty Concrete Products. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

7. Award IFB 2017-06 Fog Seal Oil- Leslie Olivas, Purchasing Director Ms. Olivas speaks. This is a bid for 160 tons of fog seal oil for the Road Department. She states that at the time of deadline, we had received two responsive bids: one from Holly Frontier Refining & Marketing LLC totaling \$56,067.20 and one from GM Emulsions LLC totaling \$104,000.00. The recommendation is to award this bid to Holly Frontier Refining & Marketing LLC. All documentation hereto

attached. **ACTION TAKEN:** Commissioner Frost makes a motion to award IFB 2017-06 Fog Seal Oil to Holly Frontier Refining & Marketing LLC. Chairman Sanchez seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

8. Award RFP 2017-02 On-Site Fire Apparatus Repair- Leslie Olivas, Purchasing Director Ms. Olivas speaks. Ms. Olivas provides the Commission with the score sheet evaluations for this RFP. This is the second attempt at an RFP for on-site Fire Apparatus Repair. Ms. Olivas reads the recommendation from the evaluation committee into the record:

Upon review of the three proposals received in regards to RFP 2017-02 – On Site Fire Apparatus Repair, the evaluation committee has decided to recommend to the Commission to exercise the option for multiple contracts. The companies the evaluation committee recommends for award are Firefighter Trucks, Inc. and New Mexico Apparatus, LLC. A third proposal was submitted, but it was found to be unresponsive.

The basis of selection was determined based upon:

1. Both vendors provided full proposals that met the needs of the Torrance County Volunteer Fire Department (VFD) as specified in the request for proposals. Firefighter Trucks, Inc. received a score of 93.33/100, and New Mexico Apparatus, LLC received a score of 90.84/100.
2. Both vendors have all the necessary licensure and insurance to meet the maintenance and repair needs of the VFD.
3. It will benefit the VFD to have two qualified vendors on contract to facilitate scheduling preventative maintenance for the vehicles and apparatus of all six districts.
4. It will also benefit the VFD to have two qualified vendors on contract in case that a repair in the field is needed and one of the vendors is unavailable immediately.

Madam Commissioner DuCharme asks where Firefighter Trucks, Inc. is located. Ms. Olivas replies that their main office is located in Las Cruces, but they have a number of customers in our area, so they usually have one of their service trucks in the area. Madam Commissioner DuCharme asks if they have a facility in the area. Ms. Olivas replies that they do not. Madam Commissioner DuCharme asks where NM Apparatus is located. Ms. Olivas replies that they are currently located in McIntosh. Madam Commissioner DuCharme questions the benefits of contracting with both vendors and contracting with a vendor based in Las Cruces. She asks if Firefighter Trucks LLC will charge mileage. Ms. Olivas replies that both vendors

would charge mileage. Madam Commissioner DuCharme questions contracting with a vendor located so far away. Ms. Olivas reminds the Commission that this is for on-site repair and that the evaluation committee recommended contracting with both vendors in case a repair is urgently needed and one of the two vendors is not available immediately. Ms. Garland comments that she can see that, in the situation of a large fire, it could be beneficial to have the two options. She states that when it comes to emergency services, it can never be a bad thing to have a back-up. There is further discussion about the pros and cons of contracting with both vendors.

Michael Godey, resident, suggests including in the motion that NM Apparatus be contacted first and then Firefighter Trucks, Ms. Garland states that would be a violation of procurement laws.

All documentation hereto attached. **ACTION TAKEN:** Chairman Sanchez makes a motion to award RFP 2017-02 On-Site Fire Apparatus Repair, as requested, to the two firms: Firefighter Trucks Inc. and New Mexico Apparatus LLC. Commissioner Frost seconds the motion. Madam Commissioner DuCharme comments that we just had Affordable Solar here and we had a long discussion about how they could utilize our citizens and companies here in Torrance County. She states that what we are doing right now is the complete opposite of that. She states that in an emergency situation, we would receive services from another company anyway. Chairman Sanchez states that he thinks it is unethical for government entities to favor one particular over another. Ms. Ortiz reiterates that the evaluation committee recommended both vendors. Madam Commissioner DuCharme states that we should regard the recommendation from the evaluation committee as just a recommendation; it is up to the Commission how best to approach this and she does not think this is the best approach. Ms. Olivas states that, as with any formal procurement, there is a protest period. She states that she wants to caution the Commission about saying anything that could work against us in a protest. Anybody can protest after a decision is made and the decisions that are made have to be able to be legally justified. Madam Commissioner DuCharme states that she thinks the Commission can easily justify this. Ms. Hanna Sanchez comments that there are multiple reasons why they want two vendors. She states that Mr. Brown from NM Apparatus has multiple contracts elsewhere, not just in Torrance County, and there are times when they have things that break down that he is not able to get to until he returns. She states that when their vehicles are down and they have to wait for repairs, they are not a resource for fighting fires. Ms. Sanchez states that right now we are working on a P.O. basis, which is time consuming and a lot to remember when you are in an emergency situation. She states that it would be much easier for us to have two vendors. Madam

Commissioner DuCharme asks Mr. Wallin if the Commission could stipulate using the vendor outside of Torrance County for emergency situations only. Ms. Olivas and Mr. Wallin reiterate that this would be in direct violation of the Procurement Code. Commissioner Frost calls for the question. The Commission votes; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

9. Ratification of Resolution 2017-12 Indigent Burial or Cremation – Kathryn Hernandez, Admin. Assistant Purchasing/Finance Ms. Olivas speaks. Ms. Hernandez was unable to attend today's meeting. This is a resolution for an indigent burial. Due to time constraints, it was signed by the Commissioners on March 23, 2017 and now needs to be ratified. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to ratify Resolution 2017-12 Indigent Burial or Cremation. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

10. Resolution 2017-14 Line Item Transfers- Amanda Tenorio- Finance Director Ms. Tenorio speaks. She is requesting Commission approval of Resolution 2017-14 Line Item Transfers. These transfers are within the requesting departments budgeted funds. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2017-14 Line Item Transfers. Chairman Sanchez seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

11. Tajique Transfer Station Update Regarding Options Ms. Annette Ortiz speaks. She states that she has several appointment with landowners coming up. She is still working on gathering the information for this item that the Commission had previously requested. Ms. Garland recommends that she be allowed to do some research on the property and some proposals on how to handle this transfer station. She states that she wants to do a title search on the property and take a look at some properties that are being proposed to be moved to. She wants to look at what a move would cost and the steps involved. She states that she believes that the Commission might have to go to a bid process to purchase property. Chairman Sanchez reminds all that the Commission outlined the options they wanted to consider at a previous meeting. Ms. Ortiz comments that she did receive an update from the fencing company; they will not move the existing fence to a new location; it is not cost effective. Chairman Sanchez summarizes that there is no new

guidance for the Manager's office today. The Manager's office should continue with their previous instructions. Commission Frost comments that perhaps the Commission would consider putting a Road Department space adjacent to the new transfer station location. He also comments about the location in McIntosh that currently houses Dispatch and the Animal Shelter. He suggests possibly housing EMS there. Chairman Sanchez appreciates these suggestions.

Michael Godey, resident, suggests keeping the Land Grants updated on the progress of this move.

ACTION TAKEN: Chairman Sanchez makes a motion to table this item. Commissioner Frost seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **ITEM TABLED**

12. CDBG Funding Ms. Annette Ortiz speaks. She states that she and Ms. Garland have started the conversation about this item and will work diligently to get answers for the Commission. She knows that we are not eligible for the 2017 application process, but they will be looking at 2018. Chairman Sanchez will provide Ms. Ortiz and Ms. Garland with contact information at the State that can assist with this. **ACTION TAKEN:** Chairman Sanchez makes a motion to table this item. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **ITEM TABLED**

13. Comprehensive Plan Ms. Annette Ortiz speaks. She states that she and Ms. Garland have a meeting scheduled for tomorrow with Ms. Sandy Gaiser from MRCOG to discuss this item. They have the funding application and a committee was created, but no committee meetings have been held yet. Ms. Ortiz states that she will get a letter to Mr. Rick Lopez at DFA informing them that we are still interested in the funding for the comprehensive plan. **ACTION TAKEN:** Chairman Sanchez makes a motion to table this item. Madam Commissioner DuCharme seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **ITEM TABLED**

14. Economic Development Plan Ms. Ortiz and Ms. Garland have not had a chance to discuss this yet. Chairman Sanchez states that the Commission is looking for guidance regarding potential funding opportunities for the creation of an

economic development plan that would focus on the local economies in the urban centers.

Ms. Myra Pancrazio from EVEDA speaks. She states that part of the contract that they have with Torrance County indicates that the planning for Torrance County as a client is that EVEDA works to serve as a resource of economic development information. She states that when Torrance County puts their comprehensive plan together, section 6 will be the economic development plan. She explains that Torrance County will work with MRCOG and Ms. Sandy Gaiser to create the committee that will create the comprehensive plan, and in that, the economic plan. EVEDA will use that economic plan to help Torrance County establish and bring goals and objectives of economic development to the County. Chairman Sanchez states that the Commission is interested in looking at a stand-alone plan that really delineates and identifies both short-term and long-term goals for our municipalities; our urban based local economies. This stand-alone document would be created in collaboration with all of our municipalities, with the County as the facilitator. The document would basically create a road map identifying the critical path that these municipalities all want to get to individually. This document would spell out what is required of EVEDA.

Ms. Pancrazio reiterates that there already is an economic development plan with the comprehensive plan. She reminds the Commission that each if the communities/municipalities are contracted with EVEDA the same way that the County is. She states that she does not want this to cause confusion and she asks if Edgewood would be involved. Chairman Sanchez states that this would be for Torrance County and the County would be facilitating the beginning of a discussion. Ms. Pancrazio states that she wants to make sure that the Commission understands that the job of EVEDA is to recruit, retain, and expand.

There is further discussion about the idea of a stand-alone economic development plan. Ms. Pancrazio asks to have a discussion about this idea. Chairman Sanchez states that this would include the Land Grant communities as well.

Ms. Betty Cabber, EVEDA Chair, states that she thinks that a lot of education needs to be done for the Commission on this item. She suggests that she, Ms. Ortiz, Ms. Garland, and Ms. Pancrazio, and possibly Chairman Sanchez, have a discussion about this. **NO ACTION, INFORMATION ONLY**

Michael Godey, resident, states that he thinks Chairman Sanchez is on the right track with this and reminds the Commission to keep the Land Grants involved.

15. Fair Board Secretary Contract Ms. Annette Ortiz speaks. The Fair Board was in need of a secretary. They advertised for this position and received two letters of interest/applications. The Fair Board met and reviewed both applicants and they recommend that the Commission approve the Fair Board Secretary contract between Torrance County and Ms. Isabelle Lesperance. Madam Commissioner DuCharme asks why the Commission did not receive the letters of interest to review. Ms. Ortiz replies that this is not a Board member position. The Fair Board requested applications for this position because it was for their secretary. Ms. Lesperance is introduced to the Commission. Ms. Lesperance is currently the Admin. Assistant for the Extension office. All documentation hereto attached. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the Fair Board Secretary contract with Ms. Isabelle Lesperance. Madam Commissioner DuCharme asks if Ms. Lesperance can have this contract with the County when she is already a full-time employee here. Ms. Ortiz clarifies that Ms. Lesperance's salary for her current job comes directly from NMSU. Madam Commissioner DuCharme asks if the Commission will receive the minutes from the Fair Board meetings. Ms. Ortiz and Ms. Lesperance reply yes. Chairman Sanchez seconds the motion. No further discussion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

16. EVSWA Board Appointments

Ms. Garland states that there were two applicants who were not present when this item was addressed earlier in the meeting: Ms. Cindy Hollenberg and Mr. Wilson Brent Myrick.

Mr. Myrick is present now. He comes to the podium, introduces himself and gives a brief description of his background and qualifications. He is uniquely qualified for this position and is thanked for his time and his desire to serve.

Ms. Cindy Hollenberg stated in her letter of interest that she knew she had to be at today's meeting, however she is not present.

There is a brief discussion about appointing the County Manager to one of the positions. After some discussion, the Commission agrees not to appoint her, but directs her to attend the meetings and forward the County's interest.

Madam Commissioner DuCharme states that in the Commission packet there were four letters of interest and three letters were provided separately. She asks what

happened. Ms. Ortiz explains that, in her haste to get packets done, she neglected to ask Ms. Archuleta, if she had received any letters to include. Ms. Ortiz explains that some letters were hand delivered, some were emailed, and some were faxed. There is a question about one of the letters of interest because it was not time stamped. Ms. Ortiz states that all the letters were received within the specified time frame for consideration. Commissioner Frost comments that if Ms. Ortiz states that the letters were received within the specified time, they should be considered. Ms. Garland comments that a candidate should not be removed from consideration because of an administrative error. Chairman Sanchez asks if there is any verbiage in the resolution that they passed regarding letters of interest for Board positions regarding stamping. There is not. Chairman Sanchez asks if there is any verbiage in the advertisement for these positions regarding stamping. There is not. Chairman Sanchez states that in this situation, he does not think that there are any grounds to disqualify a letter that was submitted within the required time line identified and attested to by County staff. Ms. Ortiz apologizes for the error.

The Commission deliberates about the five remaining qualified applicants: Mr. Banales, Mr. Williams, Mr. Lujan, Ms. Mitchell, and Mr. Myrick. They vote amongst themselves and appoint three representatives to the EVSWA Board. The following persons made public comment about these appointments: Mr. Michael Godey, Mr. Andy Miller, and Ms. Charlene Guffey.

ACTION TAKEN: Chairman Sanchez makes a motion to appoint Mr. Marco Banales to the EVSWA Board. Madam Commissioner DuCharme seconds the motion. The Commission votes; all in favor, none opposed. **MOTION CARRIED**

ACTION TAKEN: Chairman Sanchez makes a motion to re-appoint Mr. Bill Williams to the EVSWA Board. Commissioner Frost seconds the motion. The Commission votes; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

ACTION TAKEN: Chairman Sanchez makes a motion to appoint Mr. Leonard Lujan to the EVSWA Board. Commissioner Frost seconds the motion. The Commission votes; two in favor, Madam Commissioner DuCharme is opposed. **MOTION CARRIED**

***County Manager Requests/Reports:**

17. Update

Ms. Ortiz informs the Commission that the Manager's office is excited about our new County Manager. They are excited about becoming a great team.

Ms. Ortiz states that she has turned over the move of the Sheriff's office to the Judicial complex to Sheriff Admin. Stephanie Dunlap. She has been in contact with Ambitions concerning completion of the wiring of the new locations. There was a question about the use of a server room, but that seems to have been cleared up.

Ms. Ortiz and Ms. Garland have a meeting tomorrow with MRCOG.

Commissioner Frost comments that he thinks we have a very good team in the Manager's office.

Ms. Belinda Garland states that she has had a warm welcome from the Staff. She looks forward to spending time with Ms. Ortiz; she thanks Ms. Ortiz for all the hard work that she has done and all the hard work that she is going to do.

Public Comment/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.

Michelle Jones, (myself) thanks Ms. Ortiz for all of her hard work as HR, Deputy County Manager and Interim County Manager, all at once, during this recent transition period.

Betty Cabber, resident, thanks Ms. Ortiz for all her hard work. She welcomes Ms. Garland. She thanks the Commission for their selection of Mr. Leonard Lujan to the EVSWA Board as he is a part of the Land Grant and will be a good voice for them.

EXECUTIVE SESSION:

Per Motion and Roll Call Vote, Pursuant to New Mexico State Statute 10-15-1, the Following Matters Will Be Discussed in Closed Session:

- a) **Pending or Threatened Litigation: Pursuant to Section 10-15-1(H)(7), ref. Ricketts vs. Torrance County**
- b) **Pending or Threatened Litigation: Pursuant to Section 10-15-1(H)(7), ref. Cullin vs. Torrance County**
- c) **Pending or Threatened Litigation: Pursuant to Section 10-15-1(H)(7), ref. Rogers vs. Torrance County**
- d) **Pending or Threatened Litigation: Pursuant to Section 10-15-1(H)(7), ref. Aztec vs. Torrance County**

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

Executive session starts at 1:24 pm.

***Reconvene from Executive Session**

ACTION TAKEN: Chairman Sanchez 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 2:10 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 and no action was taken:

- e) **Report on Pending or Threatened Litigation: Ricketts vs. Torrance County, if necessary**

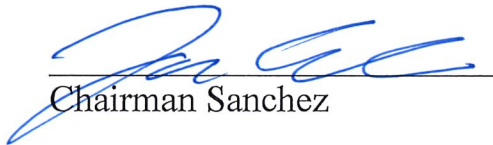
- f) Report on Pending or Threatened Litigation: Cullin vs. Torrance County, if necessary
- g) Report on Pending or Threatened Litigation: Rogers vs. Torrance County, if necessary
- h) Report on Pending or Threatened Litigation: Aztec vs. Torrance County, if necessary

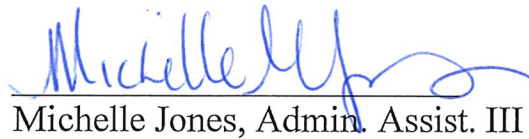
***Adjourn**

ACTION TAKEN: Chairman Sanchez makes a motion to adjourn the April 12, 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 2:10 pm


Chairman Sanchez


Michelle Jones, Admin. Assist. III

April 26, 2017
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.