

**FINAL COPY
TORRANCE COUNTY BOARD OF COMMISSIONERS
REGULAR COMMISSION MEETING
MAY 10th, 2017**

COMMISSIONERS PRESENT: JAVIER SANCHEZ-CHAIRMAN
JAMES FROST-MEMBER
JULIA DUCHARME-MEMBER

OTHERS PRESENT: BELINDA GARLAND-COUNTY MANAGER
ANNETTE ORTIZ-DEPUTY COUNTY MANAGER
DENNIS WALLIN-COUNTY ATTORNEY
YVONNE OTERO-ADMIN. ASST. I

CALL MEETING TO ORDER

Chairman Sanchez calls the meeting to order at 9:04 a.m. and calls for a Commission Roll Call. Commission District 1-Present, Commission District 2-Present, & Commission District 3-Present. Ms. Wrye leads in the Pledge of Allegiance and Nicole Maxwell gives the invocation.

APPROVAL OF THE April 26th, 2017 REGULAR COMMISSION MEETING MINUTES

Chairman Sanchez asks for a motion to approve the April 26th, 2017 Regular Commission Meeting Minutes. **ACTION TAKEN:** Madam Commissioner Ducharme makes a motion to approve the April 26th, 2017, Regular Commission Meeting Minutes. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

APPROVAL OF THE MAY 10th, 2017 REGULAR COMMISSION MEETING AGENDA

Chairman Sanchez asks for a motion to approve the May 10th, 2017 Regular Commission Meeting Agenda. **ACTION TAKEN:** Commissioner Frost makes a motion to approve the May 10th, 2017 Regular Commission Meeting Agenda. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

APPROVAL OF 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. Madame Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in Favor. **MOTION CARRIED.**

ACTION ITEMS

PUBLIC HEARING:

The Torrance County Commission will hold a Public Hearing to consider the application for a Special Use change in zoning to allow Pacific Wind, LLC to develop a wind & solar energy generating facility.

Chairman Sanchez requests that Mr. Steve Guetschow, P & Z Director walk us through the application process and the matter at hand. Mr. Guetschow states that the La Joya project and the Lucia projects are expansions of the existing El Cabo project of which Pacific Wind has recently began construction of. During the Planning and Zoning review of this application they made a recommendation of a do pass unanimously. Public notice was posted, signage was placed at the sites, letters to the adjoining property owners were sent out, and the advertisements in the newspaper were placed in both the Independent and Mountainview Telegraph. In the package Mr. Guetschow states that you have 5 exhibits. Exhibit #1 is the original application package, Exhibit #2 is additional information received on April 5th which was proof of FAA Filing, amended project area map for the additional leases they obtained from other property owners and Exhibit #3 is the public notice signs posted at Clements Road, Lucy Road South, and Lucy Road North, and the affidavit of publication from the newspaper from the Mountainview Telegraph. Mr. Guetschow apologizes that at the time he put the packet together he did not have the affidavit of publication from the Independent but did attach the accounts payable document to show that it had been advertised in the Independent. Also included in Exhibit #3 are the copies of the public notice letters that were sent to the adjoining property owners on May 1, 2017. Exhibit #4 are the draft minutes from the April 5th, 2017 P & Z board meeting and photos of the different areas around the sites.

Mr. Guetschow states that this morning Mr. Stacy gave him an amendment to Exhibit #2 which is the application with additional information that includes the draft of the employment impact for this project. Mr. Guetschow states that any further documentation that is given to us during this testimony will be added into the packet as Exhibit #5 and so forth starting from #4. Mr. Guetschow tells Mr. Wallin that because this is a Public Hearing and is Quasi-Judicial with an appeal to the District Court within 30 days of the Commission's decision we will be swearing in everyone that testifies.

Chairman Sanchez states that we will now proceed with the Testimonies.

Mr. Mark Stacy, the Director of Development with Avangrid Renewables comes up and is sworn in by Mr. Dennis Wallin, County Attorney. Mr. Stacy states that he is in charge of development activities for the company and the entire Rocky Mountain region and is also the lead developer for the projects here in Torrance County. Mr. Stacy gives a presentation of what his company does.

Mr. Stacy states that the State Land office controls 30,000 acres of land and if at this moment if we build out ¼ of that land it would be \$1.3 million in revenue that would go to the state on a minimum. The percentage of gross revenue that they will end up getting will either be double or triple that amount. Mr. Stacy states that it's a pretty significant amount of money that will be given to the state. To the landowners the amount will be about \$3.2 million that will be paid

out, and for example the El Cabo project is about a third of the size of project land we are seeking permits on today and that will generate on a minimum \$1.5 million that will be paid out to the schools. Mr. Stacy continues to present more on what this company does. Mr. Stacy states that if he gets approval today he can start working on the Industrial Revenue Bonds through the. There are about \$1 million dollars a year being paid out through pilot payments to the county per year, after a few more years the pilot payments to the county could either double or triple. Just with the permitting they are requesting today it will be over \$1 billion that they are investing into Torrance County and will have 30 to 40 well paid permanent jobs with in the county.

The El Cabo project is currently in its construction phase and the towers are now being erected. The first test energy will be in June and will start generating energy. Currently the project has about 406 people working on the construction phase and when it's all complete it will have about 17 permanent jobs on site.

This requested zoning ordinance includes 2 distinct project areas. Those are the La Joya project 18 miles east of Estancia and the Lucia Project about 17 miles east of Willard. The La Joya project will include about 104 sections of land the Lucia project contains about 84 sections of land. More detailed information in the packet that was provided. Documentation of the presentation hereto attached. So with that Mr. Stacy is requesting the approval of the Special Use Change in Zoning to Allow Pacific Wind, LLC to develop a wind & solar energy generating facility.

Commissioner Frost states that Mr. Stacey mentioned about present & future developments, over how many years will we be seeing money from these projects. Mr. Stacy replies that from the El Cabo project we will be paying the county for 30 years according to that pilot agreement. When the new projects are completed they will start a new cycle and most likely imitate the El Cabo pilot agreement. Each time a project is complete it starts a new cycle, so the county will be seeing payment from these projects for quite a few years.

Chairman Sanchez asks Mr. Stacy if he could elaborate on the methodology that goes into selecting the location for the project. Chairman Sanchez saw something in Exhibit G that he found very interesting. Mr. Stacy replies that he has been doing this for 20 years now. Mr. Stacy says that they take note of how windy the area is, if there are power lines nearby where they can be able to distribute the energy and if the area meets the qualifications then they will put up some MET towers so that they can start to get information on the wind in that particular area. Commissioner Frost asks if there are a lot of variations that come from the MET tower information. Mr. Stacy replies that yes there is.

Mr. Michael Godey comes forth with a few questions. 1.) How much is the cost of the energy as opposed to fossil fuels now and in the future? 2.) Are you thinking of possibly linking in and selling energy to CNMEC? 3.) In respect to the visual aspect how many lights will have to be put up on the towers?

In response to question 1 regarding renewable energy it is getting more and more competitive with the fossil fuels and is a good clean cheap reliable source of energy. As large networks start putting together different sorts of renewable energy from different locations they can use the source from wind or solar that are intermittent. In response to your second question in

selling the energy to CNMEC we would love to sell it to them if we could figure out a way to sell it to them. They are part of the tristate network and we would have to strike up a deal with them if we decided to go that route. And currently CNMEC is working on getting in some solar energy. In reply to question 3 we have to follow the guidelines set by the FAA, the FAA are the ones that decide how many towers will have the lights placed atop the towers. It could be every other one or all of them. We must follow their lighting plan.

Mr. Orlando Lopez Torrance County resident states that Mr. Stacy mentioned that there are about 100 employees that are hired locally from Torrance County and the Albuquerque area, and about 350-400 out of state. Mr. Lopez's asks if the contractors that are working on this project are local contractors or if they are from out of state. Mr. Stacy replies that there is a mixture of both local and out of state contractors.

Chairman Sanchez asks if there is way to maximize the ability to hire and/or train local workers to be able to apply for these positions. Mr. Stacy replies that there is a way, but this is a type of job that requires special training and here in New Mexico there are not many places that teach this kind of training. One must be trained to become a wind technician before even being considered as qualified for the jobs.

Ms. Betty Cabber Torrance County Assessor & chairman for EVEDA reads a letter from Myra Pancrazio Executive Director for EVEDA. Letter hereto attached. Ms. Cabber states that there is more to this than just getting PILT money. The wind farms are also helping with the Gross Receipts Tax, the people that are working on these projects are filling up homes, RV parks and also helping out local business, such as restaurants, and grocery stores. The county is also getting additional property tax from these projects as well. Ms. Cabber mentions that Mesa Lands College in Tucumcari offers training specifically for becoming a wind technician.

Michael Godey states that Mountainair is trying to get a computer center going so that people may have the chance to take online classes, which in turn may offer some classes for wind technician certification.

Mr. Tom Wetterman, Torrance County resident states that he is one of the land owners on the El Cabo project. Mr. Wetterman says that he has been doing some development right along with the El Cabo workers on restructuring his cattle ranch and they have been very proactive in assisting him. Mr. Wetterman is doing his best to keep the money here in Torrance County in the state when it comes to purchasing equipment and/or supplies needed for his ranch. Mr. Wetterman states that he is very happy with the El Cabo people and he is still able to run his cattle business with no issues at all.

Ms. Linda Jaramillo Torrance County Clerk states that she has lived in Torrance County all her life and grew up in Willard. To be honest she has always hated the wind, but she is happy that someone is harnessing all of this energy which is good for everyone.

Chairman Sanchez asks if here is any testimony for anyone being opposed to this.

1.) Special Use Change in Zoning to Allow Pacific Wind, LLC to develop a wind & solar energy generating facility

ACTION TAKEN: Chairman Sanchez makes a motion to approve Special Use Change in Zoning to Allow Pacific Wind, LLC to develop a wind & solar energy generating facility. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor.
MOTION CARRIED,

***Commission Matters:**

2. Investment Committee Appointments

Chairman Sanchez states that the County had created an Investment Committee and appointed county employees as members. The County Treasurer, Tracy Sedillo, the Finance Director, Amanda Tenorio, County Manager, Belinda Garland and Commission Chair Javier Sanchez. Chairman Sanchez states that the County sent out letters advertising to the Community that there are 2 positions on the committee and if anyone is interested they would need to write a letter showing interest. After a few weeks of advertising the County Received 4 letters of Interest. The letters were received from Mr. David Tixier, Mr. Leo Chavez, Mr. Orlando Lopez, and Mr. Johnny Romero.

Chairman Sanchez states that the Investment Committee is a committee that was put together to determine the investment options for the PILT money and various strategies of investment/expenditure of that fund. The committee will determine various options but will not have any authority on voting for options. Although they will be able to determine options the Commission is the only one that has the final vote/say as to how that money is invested.

Chairman Sanchez states that we will now proceed with the individual interviews. First up will be Mr. David Tixier. Ms. Garland states that Mr. Tixier was unable to attend today's meeting due to a previous engagement that he was attending out of state, but at a previous meeting he showed interest and gave a brief explanation of his background. Ms. Garland suggests, if it pleases the Commission, she will read the letter of interest from that individual prior to each interview.

Next up is Mr. Leo Chavez from Torreon. Mr. Chavez states that he is interested in being on the committee. Ms. Garland proceeds to read Mr. Chavez's letter dated May 1st, 2017. Letter hereto attached. Ms. Garland reads the letter from Mr. Tixier dated May 3rd, 2017. Letter hereto attached.

Mr. Michael Godey, Torrance County resident states that in past proceedings the candidates were asked questions by the County Commission. Mr. Godey feels that the Commission is rushing forward, and that a member of the public or the Commission may have a few questions for the individual. Chairman Sanchez replies that, yes, they can certainly give some time for the Commission and the Public to ask the individuals questions. Mr. Godey asks Mr. Chavez though he has brought up his residency, what has he done in his time here that he feels pertinent to being on the Investment Committee. Mr. Chavez gives a brief explanation of the various projects he has been involved with over the years in the Town of Torreon.

Next up is Mr. Orlando Lopez from Manzano. Mr. Lopez gives a brief explanation of what he has been involved with for the Town of Manzano as well as with The Manzano Land Grant. Mr. Lopez states that he has also worked with the County in various projects within the Manzano Land Grant. Ms. Garlands reads Mr. Lopez's letter of interest. Letter hereto attached. Mr. Lopez makes a statement concerning Mr. Chavez of Torreon stating that he has done wonders for the Town of Torreon. Everything from a Fire Department, to a park, to an updated community building, every kind of development to Torreon, Mr. Chavez has been involved in.

Next is the 4th and final individual Mr. Johnny Romero. Mr. Romero states that his request to be on the committee is plain and simple. One thing that Mr. Romero can bring to the table and the main reason he wants to sit on the Investment Committee is because he feels that the investments that have been made in the past have not been invested for the whole county in general. Mr. Romero feels that a lot of the areas in the County have been left out. Mr. Romero states that he used to sit on the P & Z Board and is the one that helped approve the El Cabo Wind Farm. Mr. Romero states that when the wind farm first came in there was a lot of opposition, but now that there is a lot of money coming in from the wind farm the community has a different view on this. Therefore, he would like to be on this committee to make sure that the money is distributed properly. Mr. Romero also states that he would like to see more local companies used and also would like to see more training for the community that is interested in working for the wind farms.

Chairman Sanchez states that this Committee is only to give advice and do research on particular investments and not to vote on where the money gets invested. The final say comes with the Commission. Chairman Sanchez would like to invite Ms. Tracy Sedillo, Torrance County Treasure & Chairman for the Investment Committee to come forth and speak about the purpose of the Investment Committee.

Ms. Tracy Sedillo, Torrance County Treasure states that her vision for this committee is to help see which banks within the County would be best qualified for the investments. She states that the county policy on investments may need to be revamped. The state statute requires that the Commission determine the qualifying banks in the county, so the purpose of the Committee is to help the commission determine which bank would be best for the investment. Ms. Sedillo states that they will be looking into long term versus short term investments and how liquid we will need our money. Basically just what types of investments the banks here in Torrance County have to offer. There are 3 banks in the County, Wells Fargo here in Estancia, MyBank in Mountainair and US Bank in Moriarty. Currently the county only has money with Wells Fargo, but it is not in an investment capacity it is where the County's main checking account is. All of the County's investments are with the state investment pool. So what we need to look at is statutory compliance with the investment of the money and also what will be the best option to get the best return on our investment. Commissioner Frost asks about how the County will distribute the PILT money and if there is other money that will be involved in the investment as well. Ms. Sedillo replies that committee doesn't have any say over the expenditure, the expenditure takes place during the Budget process. Again, the sole purpose of this committee is giving advice on how to invest the money, to make the best return on our money. Madam Commissioner Ducharme asks how many positions are currently available on the committee. Ms. Sedillo replies that there are 2 public positions available with a total of 7 positions, The Chair of the Commission, herself, the Finance Director, County Manager, County Attorney (to give legal advice), and the 2 public positions. Madam Commissioner Ducharme asks for what

period of time will the public positions be able to sit on the board. Ms. Sedillo replies that there has not been a term limit decided upon. If there is to be a term limit set, that would be up to the Commission. There is discussion back and forth concerning term limits. This will be taken care of at another meeting because today the only thing that can be acted upon is the appointments of the public positions.

Chairman Sanchez states that he would like to appoint the 2 full positions and have two alternates that way there will be a full committee at all times. **ACTION TAKEN:** Chairman Sanchez makes a motion to approve to appoint Mr. Johnny Romero and Mr. Orlando Lopez to the Investment Committee and to appoint Mr. David Tixier and Mr. Leo Chavez as the alternates. Mr. Michael Godey asks if the type of banks used can be taken into consideration and if a Credit Union can be used to invest. Ms. Sedillo replies that the statutes are very clear as to what type of banks are the qualifying banks and she believes that we cannot use a credit union to invest the money. The County does not have any credit unions and the statute clearly states that the County cannot invest money outside of the county unless it's with the state investment pool, so we would not be using a credit union anyway. Mr. Johnny Romero states the he was on the County Comprehensive plan board quite a few years back and it took a year and half to get things going so he suggests that the commission give this committee enough time to help in giving the suggestions. Chairman Sanchez states that the Committee should have its first meeting to sort out term limits. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. Chairman Sanchez states that the first meeting will be this afternoon at 2:30 pm in the Commission Room. **MOTION CARRIED**

3.) Resolutions 2017-022 SunZia Southwest Transmission Project, Update & Presentation-John Ryan, SunZia Southwest Transmission

Whereas the Bureau of Land Management (BLM) issued a Record of Decision in January 2015 on the SunZia Southwest Transmission Project (SunZia) to construct two high voltage 500 kV transmission lines which will provide new electric transmission capacity for electrical energy resources, particularly solar and wind renewable energy resources that can be developed in Torrance County and other counties in New Mexico.

Mr. John Ryan from SunZia trust gives a presentation (presentation hereto attached) of the project and states that this is a 515 mile project that will go from Corona, NM to areas in Tucson and Phoenix, AZ. Commissioner Frost asks Mr. Ryan if the landowners will be reimbursed for the use of their land where the transmission lines will be set up. Mr. Ryan replies that yes they will and the Property Tax Division has negotiated with the landowners on this. Commissioner Frost also asks if some of the transmission lines are on state land and how do they go about paying them for land use. Mr. Ryan states that the State Land office does have a representative here and they are much more qualified to be able to answer that for the Commission.

Mr. Clyde Ward with the NMSLO states that a price is negotiated and that would go to those specific beneficiaries along the route that would be identified in 40 acre increments that address those beneficiaries to the state trust and all that money is taken in as part of a negotiated deal. Commissioner Frost asks if there is a portion of that money that comes to the state or back to specific schools or local schools. Mr. Ward replies that this is what the state

land office does. The State Land Office is on schedule to do about \$500,000,000.00 towards schools throughout the state. Mr. Ward states the public schools are their number 1 beneficiary. Then it breaks down from there. New Mexico Military Institute is a direct beneficiary, Carrie Tingley Hospital brings in some money, along with many other beneficiaries, but most of money goes directly to public schools and helps offset the general fund for that allocation during the budget process when the state determines the allocation of funds to the public schools. Then what the state land office generates off of those trust lands then offsets those amounts as well. For example, if the schools are budgeted \$1,000,000.00 and we raise \$500,000.00 then the general budget only has to make up the other \$500,000.00.

Commissioner Frost asks if this will also change the assessment of the property. Ms. Betty Cabber Torrance County Assessor states, yes, and they will be assessed through the States Assess Bureau. So, yes, there is property tax that we will see and we will get to open a new account for SunZia.

Chairman Sanchez asks for a motion to Approve Resolution 2017-022 SunZia Southwest Transmission Project. **ACTION TAKEN:** Commissioner Frost makes a motion to approve Resolution 2017-022 SunZia Southwest Transmission Project. Madam Commissioner Ducharme Seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

4.) Award RFP 2017-03 Audit Services- Leslie Olivas, Purchasing Director

Ms. Olivas states that it is that time of year again to go out for bid for audit services. As everyone is aware the current audit is 6 months behind and has been a stressful situation so she thought it beneficial to go out to bid and look at a new situation. They did publish the RFP and got 5 proposals. Ms. Olivas passes out the score summaries. The company that scored the highest was Hinkle & Landers, so Ms. Olivas is requesting the RFP be awarded to Hinkle & Landers for audit services.

Commissioner Frost asks if Ms. Olivas has talked to other counties that have used these various audit services. Ms. Olivas states that yes they did and when they called all the references for this company they were able to talk to all but one of the references and they all had positive feedback about this company. Big bonus for this company is they are out of Albuquerque and they are familiar with Triadic. Chairman Sanchez asks for a motion to approve RFP 2017-03 Audit Services to Hinkle & Landers. **ACTION TAKEN:** Chairman Sanchez makes a motion to approve RFP 2017-03 Audit Services to Hinkle & Landers. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

***Department Requests/Reports:**

5.) Updates: a. Various County Departments b. Other Boards or Land Grants (upon request) c. Forest Service (upon request) d. Commission

a.) Various County Departments

Martin Lucero, Emergency Manager-States that we should be getting our MPG grant funding for the upcoming fiscal year as soon as we are NIMS compliant. In regards to WIPP we have a recurring expense from them because we have a WIPP route along 285. Basically we receive funding to help subsidize some of the FIRE & EMS capabilities and we have received our FY2017 funding for that. Mr. Lucero states that he is working with the Fire Departments to spend this funding wisely to improve the capability along that route. In regards to Projects 80 & 54; the reimbursements for those projects have been submitted to DHSEM. We should be getting the reimbursements back soon. Another side issue in regards to weather, there were 2 reported tornado touch downs both in the Clines Corners area. No structural damage only a few trees uprooted. Also there was a Tornado that was said to have touched down in the Ewing area but was not reported. People need to be aware of these and we need to look at putting in some sort of hazardous mitigation to keep the citizens safe. We will also be activating the EOC now in July and it's just to test the capabilities within the EOC itself and hopefully to help with areas that may need some improvement.

Nick Sedillo Risk Management-States that this may not be the place to bring this up but Mr. Sedillo feels it is his responsibility to let the Commission know what is going on. Mr. Sedillo states that the Assessor's office and a few other offices have had some issues with some "irate" customers in the past few weeks. This building is functional but extremely obsolete and you need to be cognizant of the employees that are serving the public and make sure they are safe. If the Commission would like they can visit with Mr. Sedillo individually so that he can give them more specifics on the situation.

Tracey Master DWI Prevention Program Coordinator-States they that there is going to be a Mental Health First Aid Course that will be held this Friday in Mountainair with 10 students attending. The next one will be held June 10th in Moriarty. Ms. Master did receive word from the DWI Grant Council of the award for next year. It is significantly less than last year, and of course everything is contingent upon the audit. Once the audit is received we will receive the grant. In the mail yesterday we did receive from the DOT Traffic Safety Bureau the CDWI Agreement for the current year and it will fund Law Enforcement until September 30, 2017.

Leonard Lujan Road Department-Mr. Lujan states that they went out to Alabaster Road aka BO-16. The road did get bladed and they did clean the ditches like the residents asked them to do. They did install the sign, although Mr. Lujan got a call stating that the sign was not up, but when he went out to the road it was up and right where he had set it. Mr. Lujan also contacted the State to ask for some guard rail for protection to place it at the top of the hill like they asked for. The road department has finished up their FEMA projects, graveled a tenth of a mile on La Cienega Road in Manzano, did about three tenths of a mile on Capilla Peak up to the wood yard in the area and did a few bad spots on La Questa Road aka A0-08 in the Torreon area. We began work on Charlie Breckenridge Road on Monday. We installed about 300 feet of culverts and started hauling out but had to stop due to the hail storm that came through. It's a mess and hopefully they can resume hauling out tomorrow.

All of the blades are all currently running. If a blade is not out it usually means the operator is out or something else has occurred. As of now the guys have been blading for 2 weeks nonstop and have bladed about 300 miles of road. The Road Department was planning on starting the Lexco Rd Project next week but it looks as though it may have to be pushed back a week because in June they will be doing a chip seal and also working on Riley Road with chip seal.

Some of the blades will have to be shut down so that they can bring in the guys to help patch and flag. Other than that everything seems to be moving forward. We are getting good moisture so we are blading as much as we can. Also the Road Department is currently accepting applications for operators.

Madam Commissioner Ducharme-Mr. Lujan mentioned Charlie Breckenridge Road and the Road Department is working on the road which serves residents of Sweetwater Hills. Madam Commissioner Ducharme states that she lives in the area and that she has been getting great feedback from the residents in the area and the residents are very happy with the work. Madam Commissioner Ducharme states that she herself has lived in that area for 13 years and this is the first time she has seen this much activity. Everyone in the area is glad to see the improvements and all the work that is being done as promised and on time. Thank you.

Chairman Sanchez-Ditto regarding issues that have come up in the 3rd district he thanks the Emergency Manager who has helped take care of a few issues in District 3.

6.) Resolution 2017-018 Authorizing Pre-Payment of Property Taxes

Tracy Sedillo Torrance County Treasurer states Resolution 2017-018 is a formality to the payment plan that she is trying to get started in the Treasures Office. Statute 7-38-38 sets the due dates for taxes November 10th and April 10 of each year. Section 7-38-38.2 & 7-38-38.3 provide alternative payment options but require and adoptive resolution by the Commission. This resolution is a formality for our payment plan that is scheduled to start next month and the Commission needs to approve.

ACTION TAKEN: Chairman Sanchez asks for a motion to approve Resolution 2017-018 Authorizing Pre-Payment of Property Taxes. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

7.) Resolution 2017-019 Juvenile Adjudication Grant Fund Application- Tracey Master, DWI Prevention

A Resolution authorizing Torrance County to Submit an Application to the Department of Finance and Administration, Local Government Division to Participate in the Juvenile Adjudication Program. Ms. Master states that this is the 7th year we have applied for this funding and it supplements the teen court program.

Ms. Master informs the Commission that they have the Resolution in front of them but they also have the cover sheet which also specifies that Torrance County is requesting supplemental funding to support the Torrance County Teen Court Program. If awarded, a portion of the funding would enable the county to provide additional services to our Teen Court participants in the form of the National Safety Council Defensive Driving Course classes and counseling for those who are dealing with substance abuse/mental health issues that impact their behaviors. Funding would also enable Torrance County to provide supervision for some participants to perform community service as many agencies will not allow unsupervised minors to do so. Lastly, funding is requested to supplement moneys available to pay compensation for the Teen Court Coordinator as the major source of funding, LDWI has significantly reduced for FY2018. Ms. Master is requesting \$9,975.00 in funding, we are

required to put an in kind match of 10% but the amount that is in the application is in the amount of \$3,000.00 which is just a bit over 30%, therefore making the total \$12,975.00.

Commissioner Frost asks how these numbers compare to those that have been requested in the past. Ms. Master replies that for the Juvenile Adjudication Fund I am actually requesting more money. In the past 2 or 3 years the Program has requested approximately \$5,000.00 and that was for the Defensive Driving and the Counseling, but since the LDWI funding is being cut so much Ms. Master is requesting a little more money there to help with the compensation for the Teen Court Coordinator position. Chairman Sanchez asks if this is a 10% match, Ms. Master replies yes it is a 10% match, although she has significantly more money in there. Chairman Sanchez ask what is the purpose of having significantly more in the match. Ms. Master replies because it's there and it's available and it's an in kind match so it demonstrates the County buy in. For the current year we have \$5,263.00, so we only need to have \$526.30 in match. However, the services that are provided by the Teen Court Coordinator through other funding, accounts for approximately \$25,000.00. I demonstrate it to show that the county has a buy in to this.

ACTION TAKEN: Chairman Sanchez makes a motion to approve Resolution 2017-019 Juvenile Adjudication Grant Fund Application. Madam Commissioner Ducharme seconds the motion. Commissioner Frost states that ultimately what we put into this will have to be put into the early budget, but according to the in kind it will not be very much. No further discussion, all Commissioners in favor. **MOTION CARRIED**

8.) Resolution 2017-20 Line Item Transfer(s)-Amanda Tenorio, Finance Director

Ms. Tenorio is requesting approval from the Commission on Resolution 2017-20 Line Item Transfer(s). Whereas County Departments are requesting line item transfers within their budgeted funds in the FY 2016-17 Budget.

Chairman Sanchez asks County Manager Belinda Garland for an explanation from the line item transfer in the amount of \$90,000.00. Mrs. Garland replies that \$1,900.00 of that will be used to replace the water heater at the animal shelter, about \$15,000.00 to \$20,000.00 of that will be used for the rewiring of the new Sheriff's Department, she is waiting for an updated quote so that Ms. Garland can request a PO. And the remainder of the money will be held for any type of building improvements that need to be made for the end of the year.

ACTION TAKEN: Chairman Sanchez asks for a motion to approve Resolution 2017-20 Line Item Transfer(s). Commissioner Frost seconds the motion. Madam Commissioner Ducharme has a question about the smallest amount on the Line Item Transfer Requests in the amount of \$250.00 for window tint. Ms. Tenorio states that Madam Commissioner Ducharme will have to ask the Department Head about that Line Item Transfer. Nick Sedillo from the Assessor's office states that ideally it would be nice to have a covered parking structure for the county vehicle, but since there are a lot of vehicles here that sit in the sun, this window tinting will help protect the inside of the vehicle from sun damage since we don't have a covered parking structure. Mr. Sedillo states that there are older vehicles that do not have tinted windows and if you look inside it looks like rats have eaten at the seat because the sun damage is so bad. Mr. Sedillo also states that one of his proposals for the upcoming year is installing a covered parking structure so that the county fleet can get protection from the effects of the weather. Most of the vehicles we have do have tinted windows, it's cheaper to get it done after the

purchase of the vehicle then to get it done from the dealer. Madam Commissioner Ducharme states that she is also bothered by the perception of the public of not being able to see the person driving the County Vehicle. Mr. Sedillo states that all of the County Vehicles are clearly marked so if there is questionable activity going on then it needs to be reported. The tint is within the legal limit. Commissioner Frost states that this is money that is already budgeted and all the department is doing is moving it from one account to the other, it's not new dollars we are approving. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

***County Manager Requests/Reports:**

9.) Request Payment of EVSWA Tipping Fees; Request to Allow payment(s) past due & future through the end of FY2017

County Manager Belinda Garland states that she passed out a couple of billings for the EVSWA. Ms. Garland is requesting from the Commission direction on how they would like for her to proceed with paying these invoices. There is a statement from March which is now past due, the current statement for the month of April and also the recycling bill for the month of March.

ACTION TAKEN: Commissioner Frost makes a motion to approve the Request to Allow Payment(s) past due & future payments through the end of FY2017. Chairman Sanchez suggest that the motion stipulate not to include the late fees. Commissioner Frost states that this motion is not to include late fees. Chairman Sanchez seconds the motion. Madam Commissioner Ducharme states that she is also in favor of this item. Chairman Sanchez states that perhaps we can pay through the end of the fiscal year, but beyond the fiscal year the County should meet with EVSWA to discuss the issues of the tipping fees and reevaluate our relationship with EVSWA. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

10.) Mid-Region Council of Governments Rural Transportation Planning Committee Appointment(s)-Annette Ortiz, Deputy County Manager

Ms. Annette Ortiz states that the commission requested that we receive letters of interest from the public to sit on this board. As Ms. Ortiz viewed the website it looks as though it doesn't seem like a public based committee. We have only had either a Commissioner or other County Employees represent the county on this committee. Leonard Lujan and Nick Sedillo have sat on that board in the past. Ms. Ortiz is approaching the Commission to ask that they reconsider putting this out to the public, and suggests that maybe they appoint Mr. Sedillo and Mr. Lujan to this board if a Commissioner does not want to sit on this board. Keep it more internal than external. The goals of the RTPO are to provide a regional forum for a cooperative decision making about transportation issues and to serve as a liaison between the local governments and the NMDOT.

Ms. Ortiz suggest that instead of spending money on advertising and requesting an outside member of the public to sit on this board as it reads, she requests that either a Commissioner sit on the board with 1 alternate or allow for staff to attend the meetings. Madam Commissioner Ducharme asks Ms. Ortiz what is her reasoning behind not bringing in a member of the public to sit on this board. Ms. Ortiz replies that she is not saying that you can't, she is merely stating that it has always been a staff member, and it is for the local governments and the DOT to sit

on this board. Who better to sit on this board than our road Superintendent and a Commissioner that know about our road issues here in the county. Ms. Garland state that the meetings are a collaboration between the local governing bodies and the NMDOT. Commissioner Frost states the he would be happy with someone sitting on that committee that is familiar with roads as opposed to someone who is not.

ACTION TAKEN: Commissioner Frost makes a motion to Appoint Road Superintendent Leonard Lujan to sit on the Mid-Region Council of Governments Rural Transportation Planning Committee. Chairman Sanchez seconds the motion. Madam Commissioner Ducharme states that she has concerns about having Mr. Lujan on the board. She states that he sits on too many committees already and we need him here to work on roads and not attending various meetings. Ms. Garland, Torrance County Manager suggests that maybe she could attend the next meeting and see what the content of the meeting consists of to give the County better direction on who might be the most appropriate person to sit on the board. Ms. Garland also suggest that Mr. Lujan attend with her to guide her through the meeting and come back with a report for the Commission. Chairman Sanchez said he is willing to do let Ms. Garland take that route. Commissioner Frost withdraws his motion to appointment Mr. Leonard Lujan to the Mid-Region Council of Governments Rural Transportation Planning Committee. Chairman Sanchez seconds the motion. No further discussion, all Commissioners in Favor.
MOTION CARRIED

11.) Request Approval of Pitney Bowes Lease Agreement

Leslie Olivas, purchasing director states the Pitney Bowes is the postage machine meter that is in the Manager's office and it is time to renew the lease. Ms. Olivas states that the lease is up in two months so now would be a good time for this to be renewed. Ms. Garland states that she did look at another postage provider, and Pitney Bowes did under bid them by \$142.00 a month.

ACTION TAKEN: Chairman Sanchez makes a motion to approve the Pitney Bowes lease agreement. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

12.) Update

Belinda Garland Torrance County Manager reads her update. Ms. Garland states that herself and Chairman Sanchez are invited to attend the next Tajique land grant meeting to discuss the transfer station. The New Mexico Finance Authority has approved the 10 year loan application to replace the fire truck that was totaled in December 23rd, 2016. Ms. Garland attended a meeting at MRCOG regarding the road to the 2020 Census and is also setting up future meeting dates with MRCOG to address Economic Development in the County. Ms. Garland did a walk through on Monday May 1st, 2017 of the new Sheriff's office and is waiting for a quote for the IT wiring and hardware. The Torrance County Fire Chief has resigned and at this time we are moving forward in advertising so that the county can get this positioned filled. She also mentioned she attended the Fire Chief meeting on May 5th and told the Fire Chief's to keep operating as usual. There is also an advertisement running for an at large member for the EMS Research Committee member and letters of interest will be presented at the next Commission meeting. Ms. Garland also met with Angie Coburn and Rick Gonzales to discuss budget concerns for the Senior Centers and PMS and also building maintenance, and Ms.

Garland has also been working on several employee and litigation issues. Ms. Garland would also like to say thank you to all the County employees for all your hard work.

***PUBLIC COMMENT/REQUEST**

1.) Betty Cabber, Torrance County Assessor. Ms. Cabber would like to apologize that during the Department updates she was outside talking to a few people and she missed giving her update so she would like to give her update now. Ms. Cabber states that the Assessor's office is having their yearly audit from the property tax division. New Mexico Property tax division will be here on Monday and Tuesday and they will be conducting Ms. Cabber's exit interview with them and then be receiving their report in about a month or so. Ms. Cabber was told by them that it looked like the Assessor's office was operating very well.

Ms. Cabber gives a little report from the Board of Directors that she attended on Friday at Eastern New Mexico University in Portales. She gives the Commission a handout of the packet that shows how the Board of Director meetings are conducted (documentation hereto attached). This just gives the commission an idea of what goes on in these meetings. Ms. Cabber also mentions that there was some discussion about the fire fund and NMAC has money they are supposed to be reimbursing. As soon as the NMAC gets everything settled there should be some correspondence that will go out to let the county know when the money will be reimbursed. Also she mentioned then there is a Wildfire Risk Reduction Grant Program that seems to have a lot of money and if the County has not put in for this maybe they should to get some sort of assistance. Chairman Sanchez state that the County did use this grant last year.

2.) Hank Van Es Torrance County Citizen-Mr. Van Es states that he would like to talk about an incident report that occurred last December involving a Torrance County Fire Truck. The accident happened on highway 41 and according to the report the driver was driving south in the south bound lane with his emergency lights on trying to get back to the Mountainair Fire. The driver stated that there was a pickup truck that refused to pull over and as a result he ended up in the ditch and rolled the truck. The driver stated in the report that he was driving approximately 70 mph when he approached the other vehicle. The passenger also stated that the pickup truck refused to pull over. The Sheriff's deputy that wrote the report stated that the accident was preventable. And the accident was a result of excessive speed, and the driver was given a verbal warning. Mr. Van Es states that in his opinion the driver lied, the passenger lied and covered up for the driver. There is nowhere on Highway 41 that gives you space to pull over and if you try you end up immediately in the grass. So we have a driver of a county Fire Truck who is expecting a pickup truck to pull over In Mr. Van Es' perspective the driver of the Fire truck did not exercise proper judgement, when he refused to slow down. Mr. Van Es suggests that both the driver and the passenger of the Fire Truck be terminated from the fire department for lying and crashing the fire truck

EXECUTIVE SESSION

As per Motion and Roll Call Vote, Pursuant to New Mexico State Statute Section 10-15-1, the Following Matters will be Discussed in Closed Session

- a.) Limited personnel matters pursuant to NMSA 10-15-1 H (2) regarding discussion of County Fire Chief.
- b.) Limited personnel matters pursuant to NMSA 10-15-1 H (2) regarding County Manager

ACTION TAKEN: Chairman Sanchez makes a motion to enter in to Executive Session. Madam Commissioner Ducharme seconds the motion, all Commissioners in favor. **ROLL CALL VOTE: District 1: Yes. District 2: Yes. District 3: Yes. MOTION CARRIED.**

Entered into Executive Session at 12:19 pm

***Reconvene from Executive Session:**

ACTION TAKEN: Commissioner Frost makes a motion to reconvene from Executive Session. Madam Commissioner Ducharme seconds the motion, all Commissioners in favor. **MOTION CARRIED**

Reconvene from Executive Session at 12:44 pm

Pursuant to Open Meetings Act, Section 10-15-1 (J), Commission Report from Executive Session

County Attorney Dennis Wallin suggest that Chairman Sanchez announce that no action was taken during Executive Session.

Chairman Sanchez states that no action was taken during executive session.

- c.) Consider and Act Upon, if appropriate, Limited Personnel Matter regarding discussion of County Fire Chief

ACTION TAKEN: Chairman Sanchez makes a motion to ratify the contract for the County Fire Chief. Commissioner Frost Seconds the motion. Madam Commissioner Ducharme states that on page 2 of the contract it states that the contractor is an Independent Contractor performing non-professional services to the County and is not an employee of the County. Madam Commissioner Ducharme addresses Mr. Wallin and asks if Mr. Dirks can be considered an Independent Contractor. Mr. Wallin states that yes, this is what this contract is for and is acting in the Interim is a consultant to the County to assist in the transition to a new Fire Chief. Commissioner Frost states that as it was explained that during this period of time he will not receive the stipend as a Fire Department employee. Madam Commissioner Ducharme asks if that is what makes him an Independent Contractor. Mr. Wallin replies, no, what makes Mr. Dirks an independent Contractor is that he is the one signing the contract to provide consulting services to the Fire Department until a new Fire Chief is hired. Madam Commission Ducharme asks if it is in the contract somewhere stating that Mr. Dirks will not receive the stipend as a County employee. Mr. Wallin replies that it was not in the contract when it was drafted. Ms. Garland states that it was a verbal agreement between herself and Mr. Dirks that

he would not receive a stipend. Mr. Wallin states that he can create an amendment to the contract to state this.

Madam Commissioner Ducharme says item #5 Term; a respective of the date of signature this contract shall be effective April 29th, 2017, and shall terminate on August 26th, 2017 or sooner upon the appointment of a fulltime Fire Chief by the County. Madam Commissioner Ducharme wants to know if this can be changed to reflect today's date. Mr. Wallin replies that it is his understanding that Mr. Dirks has been providing this service since April 29th and that is why this date is in the contract. Madam Commissioner Ducharme asks about the scope of services. She wants to know if the job description will be attached to the application for the people that will be applying for the job. Ms. Garland asks if there are job specs for the position. Ms. Ortiz states that at the time the previous Chief was hired there was no specs it was a different process. If need be they can create the specs for the applications. Madam Commissioner Ducharme states that she is wanting to know about the job specifications for Mr. Dirks if those are in the Contract. Mr. Wallin states that all of this can be taken care of for the contract as well as for the specifications for the applicants for the position.

Mr. Michael Godey states that when you hire the permanent fire chief you will need a job description for the Chief. It may have been an oversight on the previous commission not to have a description for the position. Mr. Godey suggests that it would be a good idea to include that when hiring. Ms. Ortiz states that they are working on the job specs for this position. No further discussion, all Commissioner in Favor. **MOTION CARRIED**

d.) Consider and Act upon, if appropriate, Limited Personnel Matters regarding the County Manager.

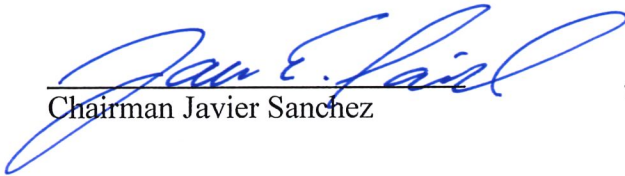
No action was taken in the Executive Session

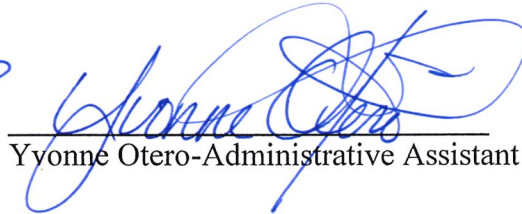
ACTION TAKEN: Commissioner Frost make a motion to approve regarding coming up short on change of insurance from previous employment to this in the amount of \$341.68 to cover until the 1st of July. Madam Commissioner Ducharme seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED**

ADJOURNMENT

ACTION TAKEN: Chairman Sanchez makes a motion to adjourn the May 10, 2017 Regular Commission Meeting. Commissioner Frost seconds the motion. No further discussion, all Commissioners in favor. **MOTION CARRIED.**

Meeting adjourned at 12:56 pm


Chairman Javier Sanchez


Yvonne Otero-Administrative Assistant

5-24-2017
Date